

RESEARCH REPORT | Center for Law & Justice

POLITICAL PROSECUTIONS: ABUSING DISCRETION IN THE SERVICE OF POLITICS

Craig Trainor

TOPLINE POINTS

- Prosecutors enjoy vast, and nearly unreviewable, discretion over how and when to bring criminal charges against individuals or groups.
- This immense power can be used to persecute, rather than prosecute, if exercised without judicious restraint.
- The historic parallels between the Biden Administration's weaponization of the DOJ and the investigative and prosecutorial abuses of the past are striking.

The FBI's Recent Raid on President Trump's Home Demonstrates the Perils of Partisan Law Enforcement and How It Affects All Americans.

Former President Donald J. Trump made his fortune in Manhattan real estate. Jose Alba made his living as a clerk in an Upper Manhattan bodega. The similarities seem to end with a shared connection to New York City, but the two men may have something far more consequential in common: They both offended the political sensibilities of progressive law enforcement actors. On July 2, 2022, Alba, at 61 years old, was charged with murder and imprisoned on \$250,000 bail in Rikers Island after using deadly force to defend himself against an attack by Austin Simon, a 35-year-old violent predator with an extensive criminal history (Fenton, 2022). Manhattan District Attorney Alvin Bragg, who was elected in 2021 on a platform of rebalancing prosecutorial discretion in favor of decriminalization and ending so-called mass incarceration, approved the murder charge of Alba and initially requested the court set bail at

History Of Political Prosecutions Report

Andrew Muldoon

History Of Political Prosecutions Report:

<u>Watergate Special Prosecution Force Report</u> United States. Watergate Special Prosecution Force,1975 The Iowa Journal of History and Politics ,1908 **Iowa Journal of History and Politics** Benjamin Franklin Shambaugh,1908

Transitional Justice and the Prosecution of Political Leaders in the Arab Region Noha Aboueldahab, 2017-10-05 The dramatic uprisings that ousted the long standing leaders of several countries in the Arab region set in motion an unprecedented period of social political and legal transformation. The prosecution of political leaders took centre stage in the pursuit of transitional justice following the Arab Spring Through a comparative case study of Egypt Libya Tunisia and Yemen this book argues that transitional justice in the Arab region presents the strongest challenge yet to the transitional justice paradigm This paradigm is built on the underlying assumption that transitions constitute a shift from non liberal to liberal democratic regimes where often legal measures are taken to address atrocities committed during the prior regime The book is guided by two principal questions first what trigger and driving factors led to the decision of whether or not to prosecute former political leaders And second what shaping factors affected the content and extent of decisions regarding prosecution In answering these questions the book enhances our understanding of how transitional justice is pursued by different actors in varied contexts In doing so it challenges the predominant understanding that transitional justice uniformly occurs in liberalising contexts and calls for a re-thinking of transitional justice theory and practice Using original findings generated from almost 50 interviews across 4 countries this research builds on the growing critical literature that claims that transitional justice is an under theorised field and needs to be developed to take into account non liberal and complex transitions It will be stimulating and thought provoking reading for all those interested in transitional justice and the Arab The Official History of Criminal Justice in England and Wales Paul Rock, 2019-04-30 Volume II of The Official Spring History of Criminal Justice in England and Wales traces for the first time the genesis and early evolution of two principal institutions in the criminal justice system the Crown Court and the Crown Prosecution Service This volume examines the origins and shaping of two critical institutions the Crown Court which rose from the ashes of the Courts of Assize and Quarter Sessions and the Crown Prosecution Service which replaced a rather haphazard system of police prosecuting solicitors The 1971 Courts Act and the 1985 Prosecution of Offences Act were to reconfigure the architecture of criminal justice transforming the procedures by which people were charged prosecuted and in the weightier cases demanding a judge and jury tried in the criminal courts of England and Wales One stemmed from a crisis in a medieval system of travelling justices that tried people in the wrong places and for inadequate lengths of time The other was precipitated by a scandal in which three men were wrongly convicted for the murder of a bisexual prostitute Theirs is an as yet untold history that can be explored in depth because it is recent enough in the words of Harold Wilson to have been written while the official records could still be supplemented by reference to the personal recollections of the public men who were involved This book will be

of much interest to students of criminology and British history politics and law The justice of the peace reports ,1920 Annual Report of the American Historical Association American Historical Association, 1923 **Political Trials in Theory and History** Jens Meierhenrich, Devin O. Pendas, 2017-02-27 From the trial of Socrates to the post 9 11 military commissions trials have always been useful instruments of politics Yet there is still much that we do not understand about them Why do governments use trials to pursue political objectives and when What differentiates political trials from ordinary ones Contrary to conventional wisdom not all political trials are show trials or contrive to set up scapegoats This volume offers a novel account of political trials that is empirically rigorous and theoretically sophisticated linking state of the art research on telling cases to a broad argument about political trials as a socio legal phenomenon All the contributors analyse the logic of the political in the courtroom From archival research to participant observation and from linguistic anthropology to game theory the volume offers a genuinely interdisciplinary set of approaches that substantially advance existing knowledge about what political trials are how they work and why they matter Report United States. Watergate Special Prosecution Force, 1975 Empire, Politics and the Creation of the 1935 India Act Andrew Muldoon, 2016-05-06 The 1935 Government of India Act was arguably the most significant turning point in the history of the British administration in India The intent of the Act a proposal for an Indian federation was the continuation of British control of India and the deflection of the challenge to the Raj posed by Gandhi Nehru and the nationalist movement This book seeks to understand why British administrators and politicians believed that such a strategy would work and what exactly underpinned their reasons It is argued that British efforts to defuse and disrupt the activities of Indian nationalists in the interwar years were predicated on certain cultural beliefs about Indian political behaviour and capacity However this was not simply a case of Orientalist policy making Faced with a complicated political situation a staggering amount of information and a constant need to produce analysis the officers of the Raj imposed their own cultural expectations upon events and evidence to render them comprehensible Indians themselves played an often overlooked role in the formulation of this political intelligence especially the relatively few Indians who maintained close ties to the colonial government such as T B Sapru and M R Jayakar These men were not just mediators as they have frequently been portrayed but were in fact important tacticians whose activities further demonstrated the weaknesses of the colonial information economy. The author employs recently released archival material including the Indian Political Intelligence records to situate the 1935 Act in its multiple and overlapping contexts internal British culture and politics the imperial information order in India and the politics of Indian nationalism This rich and nuanced study is essential reading for scholars working on British Indian and imperial history Reports of cases argued and determined in Ohio courts of record except Supreme and Circuit ,1909 Reports of Cases Argued and Determined in Ohio Courts of Record Except Supreme and Circuit...v. 1-31 William John Tossell,1909 Country Reports on Human Rights Practices ,1980 Hate Crimes: Criminal Law and Identity Politics New York University Center for Research in Crime and

Justice James B. Jacobs Director, New York University Center for Research in Crime and Justice Kimberly Potter Director, 1998-03-28 In the early 1980s a new category of crime appeared in the criminal law lexicon In response to concerted advocacy group lobbying Congress and many state legislatures passed a wave of hate crime laws requiring the collection of statistics on and enhancing the punishment for crimes motivated by certain prejudices This book places the evolution of the hate crime concept in socio legal perspective James B Jacobs and Kimberly Potter adopt a skeptical if not critical stance maintaining that legal definitions of hate crime are riddled with ambiguity and subjectivity No matter how hate crime is defined and despite an apparent media consensus to the contrary the authors find no evidence to support the claim that the United States is experiencing a hate crime epidemic instead they cast doubt on whether the number of hate crimes is even increasing. The authors further assert that while the federal effort to establish a reliable hate crime accounting system has failed data collected for this purpose have led to widespread misinterpretation of the state of intergroup relations in this country. The book contends that hate crime as a socio legal category represents the elaboration of an identity politics now manifesting itself in many areas of the law But the attempt to apply the anti discrimination paradigm to criminal law generates problems and anomalies For one thing members of minority groups are frequently hate crime perpetrators Moreover the underlying conduct prohibited by hate crime law is already subject to criminal punishment Jacobs and Potter question whether hate crimes are worse or more serious than similar crimes attributable to other anti social motivations They also argue that the effort to single out hate crime for greater punishment is in effect an effort to punish some offenders more seriously simply because of their beliefs opinions or values thus implicating the First Amendment Advancing a provocative argument in clear and persuasive terms Jacobs and Potter show how the recriminalization of hate crime has little if any value with respect to law enforcement or criminal justice Indeed enforcement of such laws may exacerbate intergroup tensions rather than eradicate prejudice The Evolving Role of the Public Prosecutor Victoria Colvin, Philip Stenning, 2018-09-24 The modern public prosecutor is a figure both powerful and enigmatic Legal scholars and criminologists often identify three essential components of criminal justice systems police courts and corrections Yet increasingly the public prosecutor occupies a distinct role independent from any of these branches Acting outside of the court and therefore largely out of the public eye the prosecutor's control over whether and what charges proceed to court can limit judicial discretion on sentencing open pathways to alternative measures and even deny entry into the criminal justice system entirely In this sense the prosecutor serves as a true gatekeeper to the criminal process This book addresses key aspects of the evolving role of domestic and international prosecutors in common law and civil law systems in the twenty first century and the challenges posed by this evolution This collection of chapters from respected scholars takes an international comparative approach and explores how these different legal systems have borrowed theorisations and articulations of the prosecutorial role from each other in adapting the office to changing conditions and expectations The volume is structured around four main themes

relating to the role of the modern prosecutor the nature of the prosecutor's office the role of the prosecutor in investigations prosecutorial discretion and how it is exercised and politicisation and accountability of prosecutors This book is essential for scholars and students in criminal justice pre law legal studies criminology justice studies and political science and is useful as a resource for those interested in legal change around the world Scottish Coal Miners in the Twentieth Century Phillips Jim Phillips, 2019-06-26 Examining working class welfare in the age of deindustrialisation through the experiences of the Scottish coal minerThroughout the twentieth century Scottish miners resisted deindustrialisation through collective action and by leading the campaign for Home Rule This book argues that coal miners occupy a central position in Scotland's economic social and political history and highlights the role of miners in formulating labour movement demands for political constitutional reforms that eventually resulted in the establishment of the Scottish Parliament in 1999 The book also uses the struggle of the mineworkers to explore working class wellbeing more broadly during the prolonged and politicised period of deindustrialisation that saw jobs workplaces and communities devastated Key features Examines deindustrialisation as long running phased and politicised processUses generational analysis to explain economic and political changeRelates Scottish Home Rule to long running debates about economic security and working class welfare Analyses the longer history of Scottish coal miners in terms of changing industrial ownership production techniques and workplace safetyRelates this economic and industrial history to changes in mining communities and gender relations Report of Proceedings of the ... Annual Convention of the American Federation of Labor American Federation of Labor. Convention, 1921 Reports and Prints of the Senate Committee on the Judiciary United States. Congress. Senate. Committee on the The Politics of Reparations and Apologies Stephanie Wolfe, 2013-11-21 The Politics of Reparations and Judiciary, 1969 Apologies examines the evolution and dynamics of reparation politics and justice The volume introduces the key concepts theories and terms associated with social movements and in particular the redress and reparation movement RRM Drawing from RRMs that have their foundation in World War II the German genocides the United States internments and the Japanese comfort women system the volume explores each case study s relative success or failure in achieving its goals and argues that there are overarching trends that can explain success and failure more generally in the RRM movement Using the backdrop of international criminal law and normative concepts of reparations the volume establishes and analyzes the roles of reparations and apologies in obtaining transitional justice In each case study there is a detailed rundown of the political actions that were attempted to obtain redress and reparation for the victims of how successful the attempts were and of the crucial factors which influenced the relative success or failure Crucially the volume offers a comparative framework of the actions that contribute to a successful outcome for transitional justice With the increasing normative expectation of justice in post conflict situations this volume is a valuable resource for researchers in international affairs human rights political <u>Prosecuting Crime in the Public Interest</u> Kellie Toole, 2024-07-25 This book provides the first science and conflict studies

detailed analysis of the decision to prosecute made by the statutory Australian Offices of Director of Prosecution It examines the system of prosecution as part of the executive branch of government and the role and challenges of the individual prosecutors who make decisions within the system It explores the tension between prosecutorial independence and prosecutorial accountability and the paradox that political involvement in prosecutions is necessary for accountability and to uphold the public interest but can compromise independence The book makes a unique contribution to both Australian criminal law scholarship and to the international literature on criminal prosecution by drawing on the sub disciplines of criminal law and administrative law It includes case studies on prosecuting child sexual abuse rape and government espionage and comparisons with common law and civil law countries including the USA the UK Italy and South Africa

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Table of Contents History Of Political Prosecutions Report

- 1. Understanding the eBook History Of Political Prosecutions Report
 - The Rise of Digital Reading History Of Political Prosecutions Report
 - Advantages of eBooks Over Traditional Books
- 2. Identifying History Of Political Prosecutions Report
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an History Of Political Prosecutions Report
 - User-Friendly Interface
- 4. Exploring eBook Recommendations from History Of Political Prosecutions Report
 - Personalized Recommendations
 - History Of Political Prosecutions Report User Reviews and Ratings
 - History Of Political Prosecutions Report and Bestseller Lists
- 5. Accessing History Of Political Prosecutions Report Free and Paid eBooks
 - History Of Political Prosecutions Report Public Domain eBooks
 - History Of Political Prosecutions Report eBook Subscription Services
 - History Of Political Prosecutions Report Budget-Friendly Options
- 6. Navigating History Of Political Prosecutions Report eBook Formats

- o ePub, PDF, MOBI, and More
- History Of Political Prosecutions Report Compatibility with Devices
- History Of Political Prosecutions Report Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - o Adjustable Fonts and Text Sizes of History Of Political Prosecutions Report
 - Highlighting and Note-Taking History Of Political Prosecutions Report
 - Interactive Elements History Of Political Prosecutions Report
- 8. Staying Engaged with History Of Political Prosecutions Report
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers History Of Political Prosecutions Report
- 9. Balancing eBooks and Physical Books History Of Political Prosecutions Report
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection History Of Political Prosecutions Report
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine History Of Political Prosecutions Report
 - Setting Reading Goals History Of Political Prosecutions Report
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of History Of Political Prosecutions Report
 - Fact-Checking eBook Content of History Of Political Prosecutions Report
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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