

Kangaroo court: Federal D.C. court of appeals

Refer to it not as a “Court of Appeals” but rather as a “Kangaroo (Stooge) Court of Injustice”

Introduction

How unfortunate it is that we must write about a kangaroo court in the United States. America has been good country with fair courts that protected the innocent. The courts were established to provide justice and to be part of the system of checks and balances against the excesses of the other branches of the government, including the executive branch of which the Secretary of State is a member.

Apparently this is no longer the case.

Instead of justice, America can now boast a D.C. Appeals Kangaroo Court of Injustice.

Facts

On Tuesday October 17, 2006 a three-member panel of the U.S. Washington D.C. Court of Appeals, consisting of Ginsburg, Sentelle and Williams, upheld the unjust designation of Kahane Chai as a terrorist organization.

According to the law 8 U.S.C. 1189 the Secretary of State must provide an ‘Administrative Record’ that details evidence to support the designation of an organization. The law provides that designees may appeal their designation in a court. The law specifically named the D.C. court of appeals as the court in which appeals must be argued.

The court, in its current ruling, has decided that it will not judge the evidence in the administrative record at all. In the court’s own words: "We make no judgment as to the accuracy of the information in the (government's) record." [Judge Ginsburg in ruling]

How can a *court of justice* make no judgment as to the accuracy of the secretary’s record and then uphold the government’s designation based on that record?

How can a *court of justice* say “We do not invalidate a designation simply because it is logically possible that the secretary’s conclusion might be wrong” [Judge Ginsburg in ruling]

Logically possible that it might be wrong? The court read the record and the briefs. The fact is that there is no evidence in the record and the court knows it. The Secretary of State was forced to admit both in the administrative record and in the government’s brief that its evidence was nonexistent. Anyone who reads the record and briefs will know that. In fact, anyone who reads the court’s October 17, 2006 decision will know that this court also knows it – had there been any evidence the court would have pointed to it instead of saying “We make no judgment...” [ibid]

What a sham. What injustice.

The real question is: How CAN a *court of justice* uphold a designation whose conclusion might be wrong. And especially when the conclusion IS in fact wrong.

There seems to be a new modus operandi in the United States: **Guilty until proven innocent; Guilty – evidence unnecessary**

According to this court:

- There is no trial necessary to designate [See 8 U.S.C. s 1189]
- The government need not consider evidence or affidavits submitted by the designees [see this court's ruling in **373 F.3d 152** "it is emphatically not our province to second-guess the Secretary's judgment as to which affidavits to credit and upon whose conclusions to rely."]
- The court will not judge the accuracy of the Secretary of State's record [ibid in their current ruling; October 17. 2006]
- The court will allow a designation even if the Secretary of State's evidence might be wrong. [ibid in their current ruling; October 17. 2006]

This being the case, the Secretary can designate an organization without accurate evidence, without considering evidence submitted by the designees and the court will not invalidate such a designation.

Review by a court provided for in the law is therefore a sham, because the court's decision has essentially been made in advance.

Based on these facts and the definition in the next paragraph we are forced to reach the conclusion that this court is a Kangaroo Court.

Definition of a Kangaroo Court [http://en.wikipedia.org/wiki/Kangaroo_court]:

A **kangaroo court** is a 'judicial' proceeding that denies proper procedure in the name of expediency; *a fraudulent or unjust trial where the decision has essentially been made in advance*, usually for the purpose of providing a conviction, either *going through the motions of manipulated procedure* or allowing no defense at all.

A Kangaroo court indeed.

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