

Prosecutors: Flipping Off the Law with Impunity

“It’s called flipping and it almost ought to be illegal,” US president Donald Trump said in a recent Fox News interview. “I know all about flipping Everything is wonderful and then they get 10 years in jail and they flip on whoever the next highest one is or as high as you can go.”

Self-serving? Sure. The president’s former attorney, Michael Cohen, recently struck a deal with federal prosecutors to plead guilty to several crimes — and testified that then-candidate Trump had directed him to make an illegal campaign contribution. In return for his cooperation, he expects a lighter sentencing recommendation from those prosecutors.

Self-serving, yes, but also true. The American criminal justice system is shot through with the behavior in question. The “flipping” President Trump describes isn’t something that “almost ought to be illegal.” It’s something that IS illegal.

Title 18, Section 201 of the United States Code provides that “Whoever ... corruptly gives, offers, or promises anything of value to any person ... with intent to influence the testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other proceeding, before any court ... shall be fined under this title ... or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.”

The same section similarly forbids seeking or accepting such inducements. And it includes no exceptions for prosecutors hunting bigger game than they’ve already cornered, or for defendants expecting lighter sentences — certainly things “of value” — if they agree to serve as those prosecutors’ hunting dogs.

If the goal of the American “justice” system is indeed to seek justice, prosecutors should charge defendants with the actual crimes they can prove those defendants committed and judges should levy the penalties prescribed for those crimes, assuming the laws and penalties are indeed just (that’s a different question).

But that’s not the goal, as many prosecutors see it. The goal is to horse-trade toward more and bigger convictions by simultaneously bribing and extorting defendants, offering reduced charges and sentences in return for guilty pleas and “cooperation,” often initially “over-charging” those defendants so there’s more on the auction block.

If, as rumored, every prosecutor sees a future attorney general, governor, or even president in the morning mirror, then above and beyond the aforementioned crimes, “flipping” becomes a matter of soliciting and receiving illegal campaign contributions, doesn’t it?