

George Washington to be tried for treason

by Mark Burdman

The British government has set a date of Oct. 18 to place George Washington posthumously on trial, on charges of treason. The mock trial will be held at Lincoln's Inn in London, with a British Law Lord presiding as judge, and with Queen Elizabeth's chief prosecutor, Director of Public Prosecutions Allan Green, representing the British government at the proceedings. Preliminary reports are that the jury will consist of 12 British lawyers.

During the week of July 9, a team of British lawyers met to work out a strategy for prosecuting Washington. Martyn Berkin, a London barrister helping to organize the trial, told the *Sunday Telegraph* July 8, "The English side is keen to put George Washington."

The idea for the case originated with a challenge from Lord Goff of Chieveley, a British lawyer, who was attending a meeting in the United States of the American Inns of the Court, an association of legal groups inspired by four inns that operate as law schools, eateries, and fraternal organizations for British jurists. Although he reportedly threw out the challenge to a group of American lawyers in the tongue-in-cheek manner that is the style among the British oligarchical class, his view of the matter is deadly serious. As he stated in a recent private discussion, "Washington must have been a traitor. Unless there is a notion of just revolution, which absolves people in such cases, he must have been one." His lordship's more fundamental argument is that the concepts of "natural law" and "inalienable rights" used by the American Founding Fathers are not valid, in view of what is, "in legal fact," an act of treason. He asserted that all the authors and signers of the American Declaration of Independence should also be considered as traitors.

Retaking the colonies

The British have never relinquished their wish to re-establish control over the "colonies," through winning over the predominant factions in the American Establishment to a commitment to Anglo-American or Anglo-Saxon global imperial rule, and through establishing hands-on control over the economy and culture of the United States. One key to such control, is a strategy for balkanizing the United States. In the same sense that the British supported the southern Confederacy against Lincoln's Union forces in the Civil War, British elites today privately talk, at conferences at the elite

Ditchley Park estate and elsewhere, of the United States being split up.

From this standpoint, Lincoln's Inn is a most appropriate locale for the mock trial. One of this ancient inn's more famous members was Jeremy Bentham, the 18th-century philosophical radical who developed the "utilitarian calculus," according to which man is defined by the "pleasure-pain principle," the seeking of pleasure and the avoidance of pain. George Washington would probably regard it as a badge of honor that such bestialists would have the gall to put him on trial.

'Nathan Hale was hanged as a spy'

The trial will proceed on the basis of a history-fiction scene, in which George Washington is captured and brought to London to stand trial. According to preliminary reports, witnesses for the defense will be British and American actors playing Edmund Burke (a conservative philosopher who was in truth no friend of the American republicans), Thomas Paine, and Benjamin Franklin, while other actors will play prosecution witnesses like Lord North and King George III.

The July 8 *Sunday Telegraph* comments: "The precedents do not look too good for the American team. Nathan Hale, a hero of the War of Independence, was hanged as a spy in 1776, after being captured behind the English lines in his disguise as Dutch teacher."

Washington's lead "counsel" is Chicago lawyer Michael Coffield, who has put together a team of 10 lawyers to research the historical issues involved, and who has another team of lawyers in New Jersey trying to guess what the British arguments will be. One central defense argument, according to the *Sunday Telegraph's* preview, will be that King George III failed to fulfill his side of the bargain with the colonists, by failing to offer the American colonies the same rights enjoyed by his subjects in England. The second argument will be that the king was happy to let go of the troublesome colonies, and therefore only put up a token resistance.

There is no indication that the American team will put forward the "natural law" arguments implied in such famous clauses of the Founding Fathers as "endowed by the Creator. . . ." If these reports are true, the defense approach would correspond to the unfortunate "consensus" prevailing in leading U.S. legal and other circles these days, typified by the Supreme Court and the Thornburgh Justice Department, which denies the existence of natural law. That would allow the case to proceed in a British-controlled environment.

This defense approach is evidently to British barrister Martyn Berkin's satisfaction: "Philosophical arguments are likely to work in [Washington's] favor, especially given Eastern Europe's success in breaking away from Russia and other democratic movements around the world," he told the *Sunday Telegraph*. "But the second factor is that the better advocate may sway the jury. The legal profession is generally of a higher calibre in Britain than in the United States."