

GREAT AMERICA

# Equal Justice, They Said

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itself to punish enemies, help friends, and declare such asymmetry “social justice.”

By *Victor Davis Hanson*



*September 18, 2022*

**W**hat once distinguished the United States from illiberal regimes following the Orwellian mantra “some are more equal than others” was the hallowed American idea of “equal justice under the law.”



democratic Athens from its anti-democratic rivals. Isonomia later became enshrined as the central criterion of all Western consensual governments.

Does it still exist in Joe Biden's America?

In many ways, no—due both to state and private vendettas as well as state efforts to destroy rather than merely defeat political opponents.

Is the law equally applied at the border?

Ask yourself whether you are more likely to be hounded by the federal government for not being vaccinated if you are a citizen in the U.S. military, or illegally violating federal immigration law as you storm the southern border?

Who needs a passport to leave and enter the United States—a citizen or an illegal alien?

If you nullify federal law and refuse to hand over a detained illegal alien to federal immigration agents, are you more or less likely to be prosecuted than someone who likewise deliberately seeks to nullify federal law by bulldozing on his property a nest of federally protected squirrels?

What tradition of Western jurisprudence allows violent criminals in America's largest cities to be released upon booking?

What law states they are instantly free to commit more crimes without worry of incarceration or punishment, while those accused of illegally parading sit in jail for years awaiting charges?

Is it a greater crime in this republic to walk peacefully through an open door into the Capitol, as at least some who were charged as a result of January 6 did, or to beat to near death an innocent bystander as many do who are released after arrest?



arrested in 120 days of rioting, looting, arson, assault, and murder during the spring and summer 2020 riots.

Did the FBI spend over a year tracking down the names of those known from videos who torched federal buildings, murdered those in the street, sought to storm the White House grounds, and set up no-go zones in downtowns?

To incite the January 6 riot was prosecuted as a crime, but Kamala Harris, who was soon to be a vice-presidential candidate in the summer of 2020, could incite with impunity. Even more, she helped to raise bail for violent offenders during those riots and said of the summer-long “protests” shortly after the violent attempt to storm the White House grounds:

*“But they’re not going to stop. They’re not going to stop, and this is a movement, I’m telling you. They’re not going to stop, and everyone beware, because they’re not going to stop. They’re not going to stop before Election Day in November, and they’re not going to stop after Election Day Everyone should take note of that, on both levels, that they’re not going to let up—and they should not. And we should not.”*

What do those who had recently torched the historic St. John’s Episcopal Church take away from Harris’ adolescent greenlighting?

After all, Harris essentially promised continued protests, which she knew had so often turned terribly violent and descended into death and destruction. Were her insurrectionary calls a crime or at least worthy of a cell phone grab? A leg iron? A squad of FBI vehicles swarming her car?

Is questioning an election outcome a crime? Or even taking steps to challenge the elections?

That is, did a John Eastman have the power of former Senator Barbara Boxer (D-Calif.) and current January 6 committee chairman Benny Thompson (D-Miss.), who, with little or no evidence, took *far* more dramatic measures in 2004 to reject the Ohio electors and thus attempt to nullify that year’s presidential election results?



some 50,000 votes? Did Hillary Clinton again undermine election integrity when she publicly urged Joe Biden not to concede the 2020 election if he lost the popular vote, or claim that Donald Trump was not the legitimate president of the United States?

Does [Article 88](#) of the Uniform Code of Military Justice apply to some, none, or all retired high-ranking military officers?

What are we to make of retired lieutenant colonels who urged the military well before the 2020 election to remove Trump from office if they *thought* he questioned the election?

When generals and admirals called their commander-in chief a Mussolini-type character, a liar, like the Nazis, akin to the architects of Auschwitz, or wrote that the “sooner the better” he should be removed, were those violations to be prosecuted?

Did retired officers have their businesses or employers’ contracts with the Pentagon nullified?

Or was it only a more obscure retired officer, such as Lt. General Gary Volesky? He was a conservative who [tweeted](#) that the first lady (not the commander-in-chief) sounded hypocritical on the issue of abortion—and thus was fired as a Pentagon consultant. Was that equal administrative justice?

Is there really a Logan Act, the ossified 18th-century statute under which *no one* has ever successfully been prosecuted? It depends.

In 2016 James Comey’s FBI and the Justice Department interim head Sally Yates used that ruse as a pretext to set a perjury trap for National Security Advisor designate retired Gen. Michael Flynn. But did not former Secretary of State John Kerry meet stealthily with Iranian high officials during the Trump Administration to reassure them that the Iran Deal could be salvaged after the Trump tenure—a deliberate Logan Act subversion of his then government’s foreign policy?

Is it a crime to withhold presidential papers from the National Archives?



Was that a clumsy way of doing what George W. Bush did in 2001 when he simply issued an executive order allowing an ex-president or his heirs to veto release of presidential papers? Did FBI agents with guns enter one of the Obama mansions to discover why ownership of thousands of pages of his personal papers was still in dispute?

Did the FBI raid the home of the late Clinton-Administration National Security Advisor Sandy Berger to see whether he sought to hide or erase other documents, in addition to those he stole from the National Archives and destroyed? Was he ever frog-marched or put in leg irons?

What were minor celebrities and politicians trying to do in December 2016 when they cut commercials begging the electors not to follow their federally mandated roles in voting in accordance with their states' popular votes? Were they pointing a "dagger at the heart of democracy"? Were they "insurrectionists"?

Conspiracy is a word that the Biden Administration reintroduced to the American discourse after a hiatus since the 1950s and 1960s. And the Left was eager to charge hundreds with conspiracy for storming the capitol or "colluding" with Russia to rig the 2016 election.

But Molly Bell in a 2021 *Time* essay proudly also used that word in the scariest sense in modern memory. She outlined how the Left, quietly with the DNC, unions, the anarchic left-wing street, and corporate help, all modulated the violent protests to ebb before the election and to be ready to flow again should Biden have lost.

She bragged how nearly \$500 million of Silicon Valley dark money was funneled into key preselected precincts to essentially absorb the work of state and local registrars. She gushed how the Left conspired with Silicon Valley to monitor and censor any expressions and opinions on social media felt to be detrimental to the Biden campaign.

Did federal prosecutors pursue racketeering charges against any she named?



Did James Comey's FBI likewise conspire to interfere in an election by also hiring members of Clinton's opposition hit team, specifically Christopher Steele and Igor Dyachenko, as FBI informants?

Was all that "democracy dying in darkness"?

That illegal effort to use the federal government to disrupt an election makes the clownish attempt of the Trump keystone cop team to question the electors look like child's play. Will current National Security Advisor Jake Sullivan be pulled over driving home by an FBI fleet eager to seize his cell phone to ascertain fully his conspiratorial role in 2016 pushing the phony Trump Tower pings, Steele dossier, and collusion hoax to warp a federal election?

How about using equal justice in investigating supposed conspiracies and real violent demonstrations?

Did the FBI team, which monitored school kids' parents to report back to Merrick Garland about their supposedly racist opposition to critical race theory, also ever monitor Twitter and Facebook to anticipate the next planned riot location of Antifa and BLM? Is it now investigating all the stolen money and diverted funds used for personal extravagance by BLM's fraudulent leadership?

Donald Trump is continually audited for possible tax violations. Fine, but, given Hunter Biden's laptop and the testimony of the Biden family co-grifters, has *any Biden* ever been under serious investigation for not reporting tens of millions of dollars in shake-down money, or gifting millions to Biden children?

How about lying under oath or to federal investigators? Are those activities still crimes?

Could a citizen swear under oath to IRS investigators, as James Comey did under oath to Congress on 245 occasions, that he did not know what was asked or could not remember?

In that context, what do ex-CIA head John Brennan, ex-Director of



1) They *all* lied either under oath to Congress or to a federal investigator. 2) They all faced no criminal liability by committing such felonies. 3) Their animus and zeal in pursuing enemies were seen to be useful to the Left and thus they were rewarded by being hired as analysts at either MSNBC or CNN.

Is leaking or improperly possessing classified or confidential government information still a crime?

It seems that is one of the accusations against Donald Trump: that he had in his possession classified federal property that might have been insecure.

In contrast, was it a felony to leak to the media a rough draft of a confidential Supreme Court opinion—with the intent of helping to either undermine or change it? Was the unidentified, unprosecuted leaker a felon or a hero?

Were Trump's boxes at home as insecure as the confidential, memorialized memos that James Comey wrote on FBI devices shortly after a confidential one-on-one conversation with the president of the United States, which he then deliberately leaked through a third party to the *New York Times*?

Was all that a conspiratorial gambit to fuel public pressure for a special prosecutor for the Russian collusion hoax? Was that not a clandestine effort that worked brilliantly in the appointment of his friend, former FBI Director Robert Mueller?

As special counsel, Mueller went on to waste 22 months and \$40 million to prove that Russian collusion was a Clinton-FBI generated hoax as critics had insisted from the very outset of the appearance of the Steele dossier. Mueller was successful only in wounding an administration through the deliberate, daily leaked rumors that instantly became “walls are closing in” and “bombshell” media lies.

Is it a crime to threaten a Supreme Court justice?



*“I want to tell you Gorsuch. I want to tell you Kavanaugh. You have released the whirlwind and you will pay the price. You won’t know what hit you if you go forward with these awful decisions.”*

Had Sen. Mitch McConnell (R-Ky.) done the same and warned both Justices Sotomayor and Kagan that the two “won’t know what hit you,” what would the Biden Administration have done?

It is a felony to mass at a justice’s home, and threaten his person, in attempts to warp a judicial ruling? Attorney General Merrick Garland saw no problems when a left-wing mob descended on the homes of Justices Gorsuch and Kavanaugh. No one was arrested or indicted. No wonder an admitted would-be assassin later felt he could approach, with impunity, the Kavanaugh residence or that a mob could, with impunity, drive him out of a restaurant.

Again, would Garland have stood by had a MAGA crowd swarmed the home or the dinner table of Justice Ketanji Brown Jackson? For that felony, most would likely still be sitting in jail awaiting charges.

Is it a crime to destroy subpoenaed property?

Currently, that is one of many unproved charges floated to justify the raid on the Trump home. If it is, *Hillary Clinton destroyed thousands of subpoenaed and likely improper or illegal emails*. She even ordered her assistant to destroy devices that might have risked leaving electronic prints of them.

The Mueller investigation’s FBI team simply shrugged that its phone data of its employees under federal subpoena were “mistakenly” wiped clean. Were any of these miscreants tried for defying a court order? For obstruction of justice?

In today’s America, it is a far greater sin to illegally parade at the nation’s Capitol than to burn down a federal courthouse in Portland.

A policeman who recklessly puts his knee on the neck of an ex-felon





committing a felony, striking officers, and in the past a convicted home invader who stuck a gun to the womb of a pregnant woman is irrelevant.

But not the same case is a Capitol policeman, with his own record of reckless conduct, who lethally shoots an unarmed female suspect and military veteran, for the misdemeanor crime of unlawfully entering through a window.

Unlike the former, the latter will not be immediately identified. His picture will not be splashed over the media. The results of the investigation into his conduct will instead be suppressed for months. And his critics will be smeared as racists. And the deceased? She will be slandered postmortem as a nut and pervert, while George Floyd was memorialized with a halo and angelic wings.

So, what has happened to blind Lady Justice?

The new Antifa/BLM/Squad/socialist Left filtered into government and absorbed the Biden Administration. It knows it lacks majority public support, so it has weaponized the justice system to punish enemies and ignore the crimes of allies—all to be excused by its morally superior ends that justify the use of such discreditable means. And the Left wishes to send a message to Americans: We are serious and mean business. So, join us, and receive indemnity from the federal government; oppose us and *watch your back*.

The result of all this is that America is not quite America anymore. We are now a revolutionary society in decline that uses the courts, prosecutors, the administrative state, and the law itself to punish enemies, help friends, and declare such asymmetry “social justice.” There is no equality under the law, but simply “some are more equal than others.”

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About Victor Davis Hanson



Fellow at Stanford University's Hoover Institution. He is an American military historian, columnist, a former classics professor, and scholar of ancient warfare. He has been a visiting professor at Hillsdale College since 2004. Hanson was awarded the National Humanities Medal in 2007 by President George W. Bush. Hanson is also a farmer (growing raisin grapes on a family farm in Selma, California) and a critic of social trends related to farming and agrarianism. He is the author most recently of *The Second World Wars: How the First Global Conflict Was Fought and Won*, *The Case for Trump* and the newly released *The Dying Citizen*.



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**Roger Paddock** • 2 days ago

Very well said/explained Victor. Unbelievable stuff.

40  |  • Reply • Share ›

**task**  Roger Paddock • a day ago • edited

It was such a great synopsis of everything we know and done so well I could not comment and add anything to it. I sent it to a Catholic priest who sent it to other clergy members to rub their noses in it.

Yes, it is old news and that is a sorry and very scary thing. So much is known and so much cannot be disputed but, most of all, where is the accountability?


The FBI is doing everything it can to take what it stole from Mar a Largo away from a neutral master. I can just imagine what documents it wants to scrap which supports what this article contends. At this point, since its all declassified, Americans need to see it before the seditious traitors get to scrub what implicates them beyond what the lying Democratic media spin gets to say about election fraud, the Covid-19 origins, vaccine damage and the planned J6 insurrection designed to distract and bury as much of the truth as possible.

9  |  • Reply • Share ›

**Tony\_Petroski**  task • a day ago

"I sent it to a Catholic priest..."

Thanks for doing so task.

3  |  • Reply • Share ›

**Jimmy Liberty**  task • a day ago

My question about The Great Raid? Does Trump have copies? I would.

1  |  • Reply • Share ›



**elephant4life** → task • 17 hours ago

I can just imagine what it wants to plant.

^ | v • Reply • Share ›

**American by Nature** → Roger Paddock • 2 days ago

When did VDH turn into Captain Obvious? Everything in this op-ed is such old news. I could not be more disappointed in the conservative intellectual class. Our intelligentsia needs to start thinking about solutions because unless you've been living in a cave you are being clobbered every day by the Brandon lunatic asylum.

The Brandon lunatic asylum has seized power and seceded from the Union. The question should be what do we do now? What is the path forward for the states and for Americans who still believe in America?

14 ^ | v 9 • Reply • Share ›

**Carpet Bomber of Truth** → American by Nature • a day ago

Well, maybe we all need to be reminded of the constant dismantling of our society by the evil left Democrat party.

29 ^ | v • Reply • Share ›

**Bruce B** → Carpet Bomber of Truth • a day ago

Where is our useless, jabbering GOP stopping them? Ever?

Help elect every MAGA candidate and use [precinctstrategy.com](https://precinctstrategy.com) before the Dems finish the dismantling.

1 ^ | v • Reply • Share ›

**Carpet Bomber of Truth** → Bruce B • 12 hours ago

You are right. Desperate times require desperate measures. I usually don't mind centrist Republicans, but our Republic is in danger and we need to MAGA-fy the entire GOP.

1 ^ | v • Reply • Share ›

Show 1 new reply

**American by Nature** → Carpet Bomber of Truth • a day ago

Maybe you do. But to me, it got old a year and a half ago.

The Brandon lunatic asylum is wiping the United State off the face of history and Governors DeSantis and Abbott are wasting their time trying to embarrass ruling class Democrats who cannot be embarrassed. They cannot be embarrassed because they have no shame.

And VDH has been writing this same op-ed for the last year and half which is shameful



millions of low information people who will say we are crazy for thinking these things. How to reach them is the big question.

27 ^ | v • Reply • Share ›

**LarryT** → Clare A. Tee • a day ago

Your question posed has no answer. They are just "wired" differently IMO. Ran into a Facebook commenter the other day who vehemently denies the Biden threat to withhold \$1B from Ukraine unless the prosecutor was fired. Says the video was manufactured by the Republicans. Who can debate, or even discuss, with someone like that? IMHO, we are irreconcilably and forever divided.

16 ^ | v • Reply • Share ›

**SamsaraGuru** → LarryT • a day ago • edited

Your assessment is correct. Their entire perception of the way the world works, as well as belief in what they must believe and who they must therefore follow, is vested in the "cotton, hay and rags" that fills their minds or, what can only euphemistically be referred to as such.

Talking sense to them is like saying to a frothing at the mouth, rabid dog, "Nice doggie." before it rips your throat out.

4 ^ | v • Reply • Share ›

**John from America** → LarryT • a day ago • edited

Are they wired by their personalities to prefer 13.5% year-over-year inflation? Do some people inherently appreciate corruption in government and the loss of basic civil rights?

1 ^ | v • Reply • Share ›

**1st Cavalry** → Clare A. Tee • a day ago

Most of the left does not read conservative media. They don't see articles like this one. But the left does read Real Clear Politics. That site often picks up VDH's articles and carries them, exposing the articles to the left. Who knows, some of the left might then actually read the article.

So yes, publishing VDH's article here is preaching to the choir. But it also is a subtle way of possibly getting the information in front of the people who do need to read it.

8 ^ | v • Reply • Share ›

**Bruce B** → 1st Cavalry • a day ago

This isn't a discussion. It's a fight for the country.



bad.

Either we elect every MAGA candidate and precinctstrategy to defeat the zealot Dems who could care less about VDH, or the socialist door slams shut.

50 days to save the USA.

1 ^ | v • Reply • Share ›

**John Truman** → Clare A. Tee • a day ago

Anti-American Dems want to delegitimize/dismantle our country.

They are Marxist conquistadors who want to cash-out USA like an ATM.

#Resist

5 ^ | v • Reply • Share ›

**Bruce B** → Clare A. Tee • a day ago

How about finally getting a GOP that stops them? We won't "reach" today's psychotic liberals, they must be defeated. Elect every MAGA candidate and [precinctstrategy.com](https://precinctstrategy.com) before the socialist door slams shut.

GOP = endless failure. Fire these jabbering bums with an AF red wave.

2 ^ | v • Reply • Share ›

**Clare A. Tee** → Bruce B • a day ago

There aren't enough MAGA candidates to win back the house and senate with only those Republicans. So again, I ask for a better solution, which will take winning over some of the rino's or dems. I don't have a solution, other than praying to God for mercy.

1 ^ | v • Reply • Share ›

**Bruce B** → Clare A. Tee • a day ago

There is no other solution than the biggest AF red wave possible. This is the mess the uniparty, anemic GOP has put us in. I don't claim to know the numbers, but we are well on the way to a socialist dictatorship. I urge we fight to save the country or soon we won't be able to. Dems actively seize power, they don't depend on prayer.

1 ^ | v • Reply • Share ›

**SamsaraGuru** → Clare A. Tee • a day ago

You can't. They are beyond being reasoned with. See my response to Larry's response to you.

2 ^ | v • Reply • Share ›





**Tony\_Petroski** → American by Nature • a day ago

American. Professor Hanson is also an American. He writes a column...twice a week...while trying to study ancient Greece...heck, studying modern Greece is hard enough. The Professor is a Patriot. That's good enough for me.

17 ^ | v • Reply • Share ›

**Matthew Bracken** → Tony\_Petroski • a day ago

I agree with Dan Bongino: The FBI needs to be broken up and abolished. All of the senior leadership needs to be fired, that is, all the Senior Executive Service career bureaucrats. Pension or no pension to be determined. All of them knew what was going on, all are complicit in turning the FBI into the Woke Gestapo, none of them raised the least objection. All FBI special agents below SES-grade should be pensioned or transferred to other federal agencies. The FBI needs "The Carthage Treatment" as an object lesson and warning to other federal SES-grades.



19 ^ | v • Reply • Share ›

**Jonathan Galt** → Matthew Bracken • a day ago

Winning Republican Platform:

When elected, we will:

1. Eliminate any Federal Agency, or function within agencies, not absolutely essential to our country.
2. Outsource whatever remains, barring legal prohibitions.
3. For such functions which CANNOT be outsourced (i.e. law enforcement), convert them to a Federated model. All employees to be appointed from the States; paid by the States; any pensions State pensions; and physically located in the States (no DC offices). All employees strictly term-limited, no exceptions and no gaming the system by going to another State. Start with the FBI and DOJ, then repeat with other similar agencies to get a more blended representation of America.

6 ^ | v • Reply • Share ›

**armst** → Jonathan Galt • a day ago

I like my plan. You can be a county/City employee for ten years. Then a state Employee for ten. Then a Fed for ten. Then you retire. Would prefer

^ | v • Reply • Share ›

**Jonathan Galt** → armst • a day ago

Your model still allows government careers. Until you abolish that, you will forever perpetrate the deep state.

2 ^ | v • Reply • Share ›

**Theophile** → armst • a day ago

You sound like a government employee.

I like my plan:

# Fire inept government employees for doing nothing more than warming a seat in exchange for their welfare subsidizing. Then cut them off welfare.

1 ^ | v • Reply • Share ›

**Schmutzli** → armst • 20 hours ago

The way the government pukes treat themselves that is multiple pensions. They should have one option - personal savings through a limited contribution 401k and Social Security.

^ | v • Reply • Share ›

**Tony\_Petroski** → Matthew Bracken • a day ago

Roll on Matt!

1 ^ | v • Reply • Share ›

**American by Nature** → Matthew Bracken • a day ago

Bongino has an action plan. VDH recites old news.

1 ^ | v 2 • Reply • Share ›

**Whirled Peas** → American by Nature • a day ago

VDH has a fresh viewpoint, even if the information is an accumulation of prior issues. The package of misdeeds is a huge group when thus assembled. I think he is urging us on by listing every treasonous misdeed. He is a very wise and perceptive man with great clarity of thought. He is not a comic writer with a new funny story every week.

1 ^ | v • Reply • Share ›

**American by Nature** → Whirled Peas • a day ago

It may be a fresh viewpoint for you because you are new to the game.

^ | v 2 • Reply • Share ›



1 ^ | v • Reply • Share ›

**American by Nature** ➔ Whirled Peas • a day ago

If you have been in the game for 20 years you are establishment and thus, the problem itself.

^ | v 2 • Reply • Share ›

**Breezy** ➔ American by Nature • 17 hours ago

Maybe you should first define the term "politically active" before you slander someone.

^ | v • Reply • Share ›

**Schmutzli** ➔ Matthew Bracken • 20 hours ago

Pensioned? Why?

^ | v • Reply • Share ›

**cxt** ➔ Tony\_Petroski • a day ago

Well put.

3 ^ | v • Reply • Share ›

**SamsaraGuru** ➔ Tony\_Petroski • a day ago

Sadly, Tony, VDH has almost gotten to the point where, if you have read one column by him - you have read them all.

3 ^ | v 1 • Reply • Share ›

**8ball** ➔ SamsaraGuru • a day ago

Sadly you are wrong. And sadder still, not enough people have read even one column.

7 ^ | v • Reply • Share ›

**Bruce B** ➔ 8ball • a day ago

The fight for the country is not a discussion, and today's psycho libs are not listening to you, me, or VDH. They must be defeated, and Lindsey's country-losing GOP slag heap is not up to it.

In 50 days help elect every MAGA candidate and [precinctstrategy.com](https://precinctstrategy.com) or America will vanish as a constitutional republic.

1 ^ | v • Reply • Share ›

**SamsaraGuru** ➔ 8ball • a day ago

Well, you obviously have a much higher tolerance to seeing the same



he delineated for themselves. We don't really need to have VDH tell us what our own unlying eyes can clearly see for ourselves.

^ | v • Reply • Share ›

**Charli Devnet** → SamsaraGuru • a day ago

VDH is right, but unfortunately he does not offer any solutions. The modern woke culture celebrates victimhood as being an achievement in itself, but I don't want to be the innocent victim constantly whining about the injustices I am subjected to. I want to fight back, and I want a leader who will show us how to fight back and right this ship. We know the ship is sinking, but what are we going to do about it? I'm not ready to surrender to the iceberg and just go down with a whimper.

4 ^ | v • Reply • Share ›

**Bruce B** → Charli Devnet • a day ago • edited

The solution is a fighting, Trump-supporting AF red wave and [precinctstrategy.com](https://precinctstrategy.com) that defeats the socialists before it's too late. Do not vote for useless Rinos who got us here.

1 ^ | v • Reply • Share ›

**SamsaraGuru** → Charli Devnet • a day ago • edited

That makes two of us!

Which makes us two of a kind!

^ | v • Reply • Share ›

**American by Nature** → Tony\_Petroski • a day ago

Plato, In his, Republic, wrote about the critical need for pugnacious philosophers. He actually wrote "spirited." I say, "pugnacious."

Tired old farts can't be philosophers. Leadership of the Republic is the domain of pugnacious, virile men and women.

^ | v • Reply • Share ›

**SamsaraGuru** → Tony\_Petroski • a day ago • edited

He's a weak, self-serving, satisfied man, Tony, who has chosen security over being a man and standing up for liberty and calling a spade a spade. Notice how he never tends to come right out and make a definite, declarative denouncement but rather tip toes through the tulips always.

Who needs faint hearted people, who waffle, when what is needed are warriors?



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