

# Why Are Not Some People Quaking in Their Boots?



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One wonders whether a hearing before some Congressional committee is the appropriate venue for determining what relationship (if any) certain officials and agencies of the government of the United States may have had to the emergence in Communist China of what is called “Covid 19”, and the subsequent transmission of that “virus” throughout the world. In principle, it would seem that a simple criminal investigation of this matter would be more straightforward, as well as far more consequential. Such an investigation would focus on four questions:

1. Did any officials or employees of the government of the United States—whether individually or in concert with officials or employees of a State’s government, agency, or instrumentality; with private parties or organizations; or with any combination thereof—knowingly provide financial and/or technical assistance to an organization which is part or under the control of the government of Communist China, for the purpose of research and development aimed at increasing the transmissibility, infectivity, and lethality of some micro-organism, virus, or other infectious substance (whether this research and development happened to be labeled “gain of function” or was assigned some other designation)?
2. Did those officials, employees, or individuals know, should they have known, or were they willfully blind to or recklessly indifferent towards the fact, that such

financial and/or technical assistance could (and likely would) aid at some stage and to some degree in the development of a biological agent suitable for use as a weapon by the government of Communist China or some organization which is part of or subject to its control?

3. Did those officials, employees, or individuals know, should they have known, or were they willfully blind to or recklessly indifferent towards the fact, that no controls, restrictions, safeguards, or other guarantees were in place to prevent such financial and/or technical assistance from being used to aid at some stage and to some degree in the development of a biological agent suitable for use as a weapon by the government of Communist China or some organization under its control?
4. Did those officials, employees, or individuals know, should they have known, or were they willfully blind to or recklessly indifferent towards the fact, that from her inception Communist China has been, and remains today, an openly and even stridently avowed enemy of the United States?

If the answers to these questions are all "YES", then any and every official, employee, or other individual involved in supplying such financial and/or technical assistance to Communist China through her officials, employees, agencies, instrumentalities, and so on under those circumstances is in deservedly serious peril, and should be quaking in his (or her) boots. Indeed, if the answers to only the first three questions are "YES" then that same result obtains. For "[w]hoever knowingly develops, produces, \* \* \* acquires, retains, or possesses any biological agent \* \* \* for use as a weapon, or knowingly assists a foreign state or any organization to do so, shall be fined \* \* \* or imprisoned for life or any term of years, or both". An Act To implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct

relating to biological weapons, and for other purposes, Act of May 22, 1990, Public Law 101-298, § 3, 104 Stat. 201, 201, *now codified at* 18 U.S.C. § 175(a) (emphasis supplied). Surely, for liability to attach, one who “knowingly assists” at some important preliminary stage need not also be a party to the final “develop[ment]” or ultimate “produc[tion]” of an actual perfected “weapon” by an open enemy of the United States. Anyone and everyone who “knowingly assists” by providing the financial wherewithal and/or technical information supporting “develop[ment]” or “produc[tion]” of any “biological agent \* \* \* for use as a weapon” by *any* “foreign state or *any* organization” (whether an enemy of the United States or not) in *any* way, to *any* degree, or at *any* stage in the process must be equally liable. For so the statute provides, without any exception.

In particular, too, by explicitly distinguishing between “develop[ment]” and “produc[tion]”. the statute recognizes that the former not only precedes the latter, but also can be carried on without the latter’s ever taking place. Therefore, an individual should be held liable if he (or she) “knowingly assists a foreign state or any organization” to “develop[ ]” “any biological agent \* \* \* for use as a weapon” through laboratory research aimed at that goal, even if that “develop[ment]” never leaves the laboratory to result in actual “produc[tion]” of such a “biological agent” in some factory. This, of course, makes perfect sense, because by deterring “develop[ment]” the statute can render penalization of “produc[tion]” a moot point. Certainly, as well, the “mad scientist” whose evil genius “develops” the “biological agent” in the first place must be held far more culpable than the ignorant factory hand who merely “produces” it according to the specifications supplied to him.

Under this law, “the term ‘biological agent’ means any micro-organism, virus, or infectious substance, capable of causing \* \* \* death, disease, or other biological malfunction in a

human". Act of May 22, 1990, § 3, 104 Stat. at 202-203, *now codified at* 18 U.S.C. § 178(1)(A). Obviously, "Covid 19" (at least as it has been presented by public-health officials throughout the world) is such a "biological agent". And equally obvious is that at least one—if not the main—purpose, and certainly the effect, of the type of so-called "gain of function research" associated with the development of "Covid 19" is *to enhance the evil characteristics of the underlying micro-organism, virus, or other infectious substance so as to render it more useful as a weapon than it originally was, or to employ it as a step or stage in the development of a weapon.*

Thus it would appear beyond a reasonable doubt that:

(i) Any financial and/or technical assistance from the United States for "gain of function research" which might have contributed to the emergence of "Covid 19" would necessarily had to some degree to have "assist[ed]" Communist China in a long-term goal of developing "a biological agent \* \* \* for use as a weapon", because a leading (if not the primary) purpose of "gain of function research" is to enhance the particular attributes of "biological agent[s]" which make them of "use as \* \* \* weapon[s]".

(ii) Any citizen of the United States, public official or otherwise, who has "knowingly assist[ed]" the "foreign state [of Communist China] or any organization" in "develop[ing], produc[ing], \* \* \* acquir[ing], retain[ing], or possess[ing] any biological agent \* \* \* for use as a weapon" through the provision of financial and/or technical assistance at *any* point in the process of that "biological agent['s]" "develop[ment]" "sh[ould] be fined \* \* \* or imprisoned for life or any term of years, or both". This should not depend upon the "biological agent['s]" actually having been created, either. For every step in the process aimed at its creation—including every experiment performed

in a laboratory, whether successful or not—is part and parcel of its “develop[ment]”. And

(iii) It would seem indisputably the better part of justice that, given the consequences of the release of “Covid 19” (whether accidental or otherwise) throughout the United States and the rest of the world, every such citizen, whatever his (or her) public or private station, should be “imprisoned for life” rather than penalized in some less severe fashion.

The practical problem which the foregoing analysis presents, though, is: *Who* will investigate, prosecute, and convict any such errant citizens, when the FBI, the DOJ, and every other agency of the government of the United States appear to be utterly unwilling to execute, or incapable of executing, this particular criminal law of the United States (or, for that matter, any and every other criminal law relevant to this situation)? And when the States’ normal prosecutorial machines are powerless to enforce this or any other criminal statute of the United States? If crimes of such magnitude might be allowed to go unpunished, what is the usefulness of the government of the United States, the governments of the States, or even the federal system as a whole?

To be sure, one could point out (as has the present author on many occasions) that the Constitution of the United States explicitly and exclusively assigns the authority and responsibility “to execute the Laws of the Union” to certain establishments other than (and in the law-enforcement hierarchy of the federal system as a whole necessarily superior to) the FBI, the DOJ, or every other non-constitutional alphabet agency within the government of the United States. And one could point out that if these establishments had been functioning in the past in accordance with the obvious constitutional plan then the problem to which this commentary is directed—along with many other problems of serious magnitude—would never have arisen in the first place,

or would already have been solved. Repetition of this tedious process of “public education”, however, would be akin to “beating a dead horse” in a literal sense. For, if one cannot convince Americans to pay attention to the Constitution even when their own lives have been and are being put at risk—increasingly with each day’s dawning—what purpose would be served by pointing out their predicament, or by specifying the most effective constitutional means for addressing it to which they have already proven themselves to be completely indifferent, if not overtly hostile?

Unfortunately, one must conclude (at least for now) that, although possible domestic malefactors in the development of “Covid 19” *should* be quaking in their boots, in actuality they are laughing up their sleeves at ordinary Americans—with good reason, and with a good prospect of never having to stop.

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