

The state of the Union under a failed Constitution

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The need for public opinion to support the removal of lawyers from elective office.¹ The issue of the unfitness of lawyers for elective office. The corruption of the legal profession as a whole. (Part 4 of 4).² Conclusions.

In Federalist 96 this writer set himself the task of establishing to a standard of proof of reasonable suspicion or probable cause, that the legal profession was materially more corrupt than the population as a whole. That therefore the legal profession should be excluded from elective office to avoid the inevitable harm to the whole Nation that would flow from control of government being in the hands of its most corrupt profession. To make the case both the rationalist (Federalist 97) and the empirical approach (Federalists 98 & 99) were used. Here is a summary of the evidence and the conclusions that evidence supports.

The evidence

The *rational approach* concluded that all the factors that tend to create corruption in a profession are present in the legal profession in as powerful a mode as they ever get for any profession. Thus the legal profession can rationally be expected to be the most corrupt in the land, and materially more so than the average citizen. *The empirical approach provided the following evidence:*

- Jesus Christ is quoted in the New Testament as condemning the profession and calling it corrupt.
- The Philosopher Plato called the profession corrupt. International literature, proverbs and sayings, all speak of the profession as being corrupt.
- The criminologist Dr. Gary Green, states that lawyers operate in an environment that is criminogenic, i.e. that creates criminals.
- Books written by American lawyers describe in detail just how extremely corrupt the profession is.
- The record indicates that in all three branches of government, the corruption of the legal profession has reached alarming proportions and very egregiously harms the Nation.
- The American Bar Association 1993 survey indicates that Americans who know lawyers best trust them least.
- The corruption of the legal profession is at such a high level, that it is adversely affecting the psyche and well being of large numbers of lawyers in practice. So much so, that many honest lawyers leave the profession in disgust, at considerable financial sacrifice.

- The corruption is so severe that it is blamed for both random and specific acts of violence against lawyers.
- The profession's leadership recognizes to a significant degree, how severe the corruption is.

The significance of the absence of a specific kind of evidence.

Proof of a proposition can sometimes be provided by the *absence* of a particular kind of evidence. Thus it is significant that there is no material evidence of the widespread corruption of any other legitimate profession. That reinforces the concept that the legal profession is materially more corrupt than any other. There is not even evidence from other countries that their legal profession is nearly as corrupt as that in the United States. The foregoing is demonstrated by the following *absence of evidence*:

- In his book 'Occupational Crime', Dr. Gary Green found it necessary to address only two of the 'respected professions', the legal and the medical profession. ***He found only the legal profession 'criminogenic'***, and had no general condemnation of the medical profession.
- This writer is unaware of a single work by members of any other profession, generally condemning their own profession for widespread corrupt practices.
- This writer is unaware of any other free world nation which perceives its legal profession as even approaching the level of corruption attained by their colleagues in the United States.
- This writer is unaware of any other free world nation in which citizen organizations spring up spontaneously to attempt to counter legal corruption.
- This writer is unaware of any free world European nation, with as shameful a history of corruption among its lawyers legislators as has this one.
- The legal profession has provided no material response to these accusations.

General conclusions as to the corruption of the legal profession. The evidence that both the legal profession as a whole, and a substantial number of its members, are corrupt is overwhelming. That conclusion is directly supported by affirmative evidence and indirectly supported by the absence of any material contrary evidence. The original purpose of Federalists 97,98,99 and 100, was to discover whether there was enough evidence to prove that the legal profession was corrupt, to a standard of proof of reasonable suspicion or probable cause. The evidence supports the conclusion that the case has been made to standards of proof exceeding those goals. The evidence is reasonably sufficient to have

proved the case to the standard of proof of *preponderance of the evidence* to most readers, and even to the standard of *beyond a reasonable doubt* to some. **Further conclusions as to the corruption of the leadership of the legal profession and of lawyer legislators.** Although the corruption of the legal profession as a whole is now well established, it remains true that the profession still contains many individual members who have retained a high measure of integrity. So the question now of interest becomes: *Is the legal profession's leadership³ likely to be more or less corrupt than the general membership?* Cream rises to the top of the milk, but regrettably so does scum to the top of the cesspool. Every group tends to promote to positions of power within its own organizational structure, those best able to *advance its selfish interests*. In the army⁴ for example, those who do well must show a host of universally admired qualities. These qualities are: *integrity*, intelligence, courage, daring, technical proficiency, loyalty, calm under fire, leadership, flexibility, physical prowess, good health, a stable personality, an ability to work well with others, and an ability to treat all according to the content of their character not the color of their skin. Those who rose to the top of their profession had to have these qualities. The army gave us General Marshal, General Bradley, General Douglas Mac Arthur, General Dwight D. Eisenhower, General Colin Powell, and General Schwartzkopf. All men of the highest moral standing as well as men of extreme competence.

At the other extreme are the criminal organizations. There, advancement to the top also requires particular qualities, many of which are universally condemned. Organized crime groups 'qualities' include blind loyalty with violations punishable by death; a willingness to do criminal acts without question and to commit murder when asked. Further 'qualities' required are a complete absence of conscience and a ruthless willingness to spread evil, misery and grief to all and sundry in order to make a criminal profit. Here too it is those who best exhibit the 'qualities' prized by the group who rise to the top. Organized crime gave us Al Capone, Bugsy Malone, Lucky Luciano, Albert Anastasia, the Gambino family and 'Dapper' Don Gotti.

The legal profession like other organizations, seeks to achieve the highest benefits for its members. Its *criminogenic* occupational structure tends to bring it closer in organizational objectives to criminal rather than legitimate organizations. When the battle for the hearts and minds of the members is between ethics and greed, greed often wins. Particularly in a profession that has achieved almost absolute power over the Nation. To keep and expand that power for the profit of the profession, no matter what evil befalls others is what will help candidates for power to reach the top. Thus those who show the

greatest willingness to do what is necessary to further the profession's greed, are likely to rise to its leadership. That is best done by keeping the Nation under the legal profession's tyrannical rule, while vehemently denying that tyranny exists.

We can thus thank the legal profession for Mr. Nixon, Mr. Spiro Agnew, Mr. John Mitchell, Mr. Ehrlichman, Mr. Kliendienst, Mr. Colson, Mr. Dan Rostenkowski, Mr. John Wright, and now Mr. Bill Clinton and Mr. Al Gore to name only a few. The last two may or may not face criminal charges. For the moment there are investigations pending on matters potentially implicating Mr. Clinton criminally on the Whitewater matter, as well as potential new allegations of soliciting campaign funds illegally against both the President and the Vice president.

The evidence shows that it is all but certain that those who rise to the highest power in the legal profession, *are more likely to be corrupt than are their own rank and file.*⁵ Since the levers of power are greatest in the federal government in Washington D.C. the evidence indicates that those lawyers able to reach elected office are also probably the most corrupt.⁶ The latest campaign finance scandals apparently tarring virtually all politicians⁷ is a prime example of the corruption of lawyers⁸ spreading to non-lawyers as a survival mechanism.

The effect of the corruption of lawyers on the judiciary.

The Nation is already unconstitutionally forced by the legal profession to limit its choice of judges to their own ranks. It is fortunate that the judges, once chosen, are generally less subject to the levels of temptation that existed when they were lawyers. So at least the Nation sees some relief there. It is also true that even corrupt lawyers prefer honest judges. So the judges chosen may well be more honest than those who chose them. Sometimes dishonest lawyer politicians will seek to cloak themselves with the good reputation of honest lawyers by nominating them for judgeships. These factors mitigate some of the harm to the Nation.

The harm to the Nation of electing corrupt representatives.

The usual consequences of having dishonest men in power is known. They will enrich themselves illegally at the Nation's expense. However the impact on the Nation of having *its entire government dominated by the single most corrupt group in the land is mind boggling in its implications.* Here are some of the natural consequences:

- The moral decline of the Nation starts with the leadership. Thus the consistent presence of the most corrupt group in the land as the Nation's

leaders cannot fail to cause the general decline in the moral and ethical standards of the Nation. That has happened.

- The spread of corruption to non members of the legal profession as a survival mechanism sometimes perceived as the only way to get just results from an unjust system.⁹
- The United States is the most powerful Nation in the World, and the cutting edge of democracy. It is a Nation which needs to lead by example. Instead its world image is one of a corrupt government and Nation. That diminishes this Nation's ability to exercise the moral authority that it's position of power and its history should command.
- When the leaders of the Nation are corrupt, the message to those who work for them is that it is OK to be corrupt. All parents know that authority figures cannot successfully teach children or subordinates to 'Do as I say, not as I do!' So corruption spreads to otherwise honest people.
- Man's nature is selfish. Man needs to constantly fight his nature to achieve his best. Every time a man does something wrong it becomes a little easier to do wrong again. Thus with corrupt leadership in power the decline of the Nation's moral values and ethical standards can be expected to continue apace. That has been happening.

Conclusion.

The legal profession is unquestionably corrupt. The evidence indicates lawyer legislators are probably even more corrupt than are their colleagues. Their presence in elective office is unconstitutional, morally destructive and harmful to the Nation to the point where it will soon bring the Nation down.¹⁰ Their presence appears to force their non-lawyer colleagues into corrupt practices merely to stay in government. The continual flow of information on the corruption of the Nation's leaders undermines confidence in government, leads to the disaffection of most of the population and causes fringe groups to seek revolutionary remedies. It is also the reason why the most misguided believe in the use of domestic terrorism as an instrument of change.¹¹

Is there in the Nation any person with a soul so bereft of decency as to *knowingly* condemn his country to be governed by men and women selected from the most corrupt group in the land? The answer for a free people must be a resounding NO. Thus on the issue of corruption alone the evidence is so strong that the Nation should see fit to remove all lawyers from elective office at once. Of course the fact that those lawyers are also unconstitutionally in office, makes the decision easier still.

PUBLIUS II
(Ronald Bibace)

About the author: *This writer is a constitutional scholar who wrote Federalists 86 through 99, in defense of the Constitution. He is like Madison, a non lawyer and like Hamilton an immigrant and naturalized American.*

1. See Federalist 96 by this writer.
2. This paper and Federalists 97, 98 and 99, should be read as a single unit .
3. The leadership of the profession consists of those within the profession who exercise the most power whether in one of the branches of government, in academia, in financial circles, or anywhere else power is exercised.
4. In this country the army's goals do not differ materially from the Nation's.
5. The evidence even suggests a direct correlation between lawyers in power and their personal level of corruption. The higher the level of power the greater the probability of corruption.
6. As in all things there are undoubtedly exceptions to this rule. This blanket statement of probability of corruption cannot be used to condemn any particular individual.
7. When the rules of the game are made, interpreted and enforced by corrupt lawyers, it may not be too far to say that even non lawyers wishing to run for public office will be forced to accept corruption as the price for getting elected, pay their own way like billionaire Ross Perot, or stay home.
8. A potential defense for very corrupt lawyers is that the psychological dysfunction arising from extreme *cognitive dissonance* (See Federalist 95) renders them incapable of distinguishing right from wrong when the law clashes with their financial interests. Some say that this defense is too close to the much discredited 'insanity defense' and should not serve as a defense at all. This writer believes the argument is at least a factor favoring mitigation of punishment.
9. The apparent acceptance by all members of the justice system that policemen routinely lie under oath to avoid the consequences of having their case thrown out under the exclusionary rule, is one example.
10. It is in the face of overwhelming evidence and with a heavy heart that this writer asserts these facts. Every American has an emotional investment in the integrity of his government and his leaders. That is why all citizens are diminished when they realize the kind of leadership they themselves have put in place!
11. Of which misguided number Timothy McVeigh, convicted of bombing the Federal Building in Oklahoma which killed 168 people in April 1995, is certainly the worst offender to date.