

The state of the Union under a failed Constitution

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*A review of the four 'instruments' of tyranny: (1) The power of the sword; (2) the power of the word; (3) the power of the word of the Lord; and (4) the power of the purse. The 'natural evolution' of the American legal profession as tyrannical. When James Madison wrote his Constitution in 1787 he identified and sought to neutralize five known **sources of tyranny**. The *four specific* sources of tyranny were: the monarchy, the aristocracy, the military and the Church. The *one non specific* source of tyranny was identified by Madison as *any same hands faction that might acquire control of all three branches of government*. He succeeded in neutralizing the monarchy by creating a Republic, the aristocracy by prohibiting titles of nobility, the military by making the head of the military an elected civilian, (the President) and the Church by separating Church and State. He expected to neutralize any potential 'same hands faction' by creating a system of separation of powers. Madison however, failed either to identify or deal with the four **instruments of tyranny**.¹ **The instruments of tyranny.***

The history of the world until the American Declaration of Independence in 1776 is very much a history of tyranny. Even after 1776 most of the world continued to be subjected to the tyranny of its conquerors or its own rulers. They were often absolute rulers and they ruled by '*violence and guile*'.² Almost everywhere they were joined by 'priests' whose business it was to interpret the equally absolute and despotic *will of the gods*, to keep the people in submission.³ Implicit in these attributes of absolute power was economic power or the power of the purse. Thus we have four '**instruments' of tyranny**. The first is 'violence' which is ***the power of the sword***. The second is 'guile' which is defined as: *the act of deceiving, or the disposition to deceive*.⁴ That is ***the power of the word***. The third is the 'endorsement' or support by 'priests' of the power of the temporal ruler. That is ***the power of the word*** used to invoke ***the power of the word of the Lord***. The fourth is implicit and is economic power or ***the power of the purse***. **The neutral nature of both the 'sources' and the 'instruments' of tyranny.**

Both 'sources' and 'instruments' of tyranny may be used for good or evil. Let us look at ***the sources of tyranny***. History tells us that there have been good ***monarchs and/or other heads of state***, such as King Solomon in ancient Israel, and Emperors Marcus Aurelius and Claudius in Rome. There have been some ***aristocrats*** concerned with the people's welfare, and some ***military leaders*** like Napoleon, much loved and admired by their people. ***The Church*** has been responsible for much good in the world, even though it can

also be charged with having caused grievous oppression. Finally a form of *'same hands' faction* controls parliamentary governments fairly satisfactorily in Great Britain and elsewhere, without the kind of separation of powers the Constitution intended to provide for us here. The same is true of the *'instruments' of tyranny*. For example the *power of the sword* can enslave or free people. The American sword freed Europe enslaved by the German sword in two World Wars. The *power of the founding fathers' 'word'* led this Nation to Independence. Hitler's *word* led his people to death and destruction. *The power of the word of Lord* was misused by the Spanish Inquisition to torture people to death in the name of the Lord. Jesus' *'word'* preached love and charity to all. Finally *the power of the purse* has been used to support evil ends like Naziism or fascism or to do great good like endowing great Universities, as was done in the United States. *Potential for tyranny was the criterion for constitutional exclusion from power.*

Madison's Constitution permanently excluded all known specific *potential sources of tyranny* from power without making exclusion subject to evidence of wrongdoing. Because protection from tyranny can exist *only by absolutely excluding from power all those who possess control of the potentialsources of power*. To determine who to exclude from power Madison examined the 'sources' of power and identified those individuals or groups who controlled that power. These can be designated as *the masters of the particular power. The unchecked masters of the remaining 'instruments' of tyranny.* By protecting us from the three known specific *sources of tyranny* Madison's constitution simultaneously protected us from their use of the sword as an instrument of tyranny. His Constitution also protected us from that instrument of tyranny known as the power of the word of the Lord (at least as interpreted by man), by separating Church and State. However that still left the Nation vulnerable to tyranny from two of the four masters of the *'instruments' of tyranny*. To wit: the masters of the power of the purse and the masters of the power of the word. *The masters of the power of the purse* are those who hold the levers of public or private economic power. In general the masters of the purse, when united, have habitually also been the sources of tyranny. For it is their power to tyrannize in the first place that allowed them to acquire wealth⁵ and wealth that allowed them to perpetuate their tyranny. The issue of so called 'special interests' and the undue influence of wealth in the political arena is one current manifestation of the abuse of the power of the purse.⁶

The masters of the power of the word are the media and the members of the legal profession. The instrument of the law and communication is language. The experts in the use of language are the members of the legal profession and

the journalists of the media. Language is an imperfect instrument. It is used to express the mind's intention into communicable information. It is also used through the art of persuasion, to translate the communicated word into desired action.

The members of the media are trained in the use of language for the purpose of becoming objective fact finders to seek out and report the truth.⁷ The interest they share in common and with the Nation is the principle of *freedom of the press*. However like any other business or professional group they do possess an interest in their own financial power and well being adverse to the Nation's interest. They are therefore a Madisonian 'same hands faction' and like any other such faction a potential threat to the Nation if they were to achieve control of all government. *However they exercise no control over the judiciary* and very few of their numbers occupy elective office. Thus the mainstream media, although a *Madisonian same hands faction*, are not now and may perhaps never be a threat to the Nation. ***The members of the legal profession*** are a different matter They are trained in the art and science of persuasion which is Aristotelian logic. They are also trained to recognize and use false arguments that make the weaker argument look the stronger. Society has charged members of the legal profession with the duty to learn the language and its subtleties as well as Aristotelean logic and to use that knowledge righteously.⁸ They have a common interest in advancing their own power and finances not shared by the Nation. *They have already used that power to take over total control of all state and the federal judiciary branches of government.* The evidence indicates that they have abandoned any moral role in their profession and no longer recognize any obligation to instruct their clients to conform with existing law.⁹ ***The power of the word*** like all of the other 'instruments' of tyranny can be used or misused. For the power of the word is also ***the power to deceive. The members of the legal profession have developed the power of the word to deceive to new heights.*** That power is effectively theirs on a virtually exclusive basis. However the power of the word differs from the other instruments of tyranny because it can only survive as long as the deception continues. **The natural evolution of lawyers as tyrants.** It is fascinating to observe that the tyranny of the legal profession represents a kind of Darwinian natural evolution.¹⁰ The original four specific sources of tyranny were well known and neutralized by Madison. That process simultaneously neutralized two of the four ***masters of the 'instruments' of tyranny.*** Therefore any new sources of tyranny could only arise from the last two ***masters of the 'instruments' of tyranny*** (the masters of the power of the word and the masters of the power of the purse). Either would still need to overcome the obstacle of the separation of powers doctrine prohibiting any

‘same hands faction’ from acquiring control of government. ***That means that the only unified same hands group left that could foreseeably tyrannize the Nation was the legal profession.*** Because it was master of the power of the word with the full knowledge and virtually exclusive power to misuse the word. It could acquire political power and through that power, acquire the power of the purse. It was the only *same hands group or faction* that could ‘*legitimize*’ the acquisition of full control of the Judiciary Branches of Government. It alone through guile could overcome the Constitutional obstacle of the separation of powers doctrine. No other group is now, ever was, or may foreseeably ever be qualified by specialized knowledge to do so. That is because the only other possible source of tyranny left would be those who possessed great economic power in the land. But economic power alone would not be enough. There would also have to be a central organization uniting the wealthy for the purpose of tyranny. That has never existed. ***There would also have to be an alliance with the masters of the power to deceive, the members of the legal profession, to control the Judiciary.*** Otherwise the Judiciary would raise the separation of powers doctrine as an obstacle to power. **History of the evolution of lawyers as tyrants.**

The legal profession is regarded by many as one of the ‘learned professions’. Yet lawyers have always been regarded as having a tendency to be corrupt. That is because in all societies ***the power of the word*** possessed by lawyers is particularly susceptible to abuse. To counter the temptation to become corrupt Society has always attempted to instill in the hearts and minds of the members of the legal profession, a sense of justice and righteousness. To be sure there would always be some rotten apples in the barrel. But at least every effort would be made to control the situation.

In the United States lawyers were considered as honorable as their colleagues elsewhere, at least until the end of the Civil War. After the Civil War there occurred a transformation of the law from a profession into a business. A new race of lawyers sprang up lacking the dignity, learning and influence which prior lawyers possessed.¹¹ That was the end of the concept of the lawyer as ***a righteous man.***

This ‘new race of lawyers’, now in business for itself and not practicing law for the public good, began expanding its power, influence and corrupt practices. The American Bar Association was founded in the late 19th Century. It brought together lawyers in an effort to define and advance their common financial interests. Subsequently, commencing around the middle of the 20th Century the American Bar Association was instrumental in organizing State Bars in every State. These State Bars monopolized the practice of law in the hands of

lawyers. They became bodies elected by nobody, making laws for everybody.¹² The State Bars also acquired full *de jure or de facto* control over all the judiciary branches of government.

Through the power of monopoly and the power of the State Bars lawyers began to acquire the power of the purse and run for public office in greater and greater numbers. Experts at rhetoric and the powers to obfuscate and deceive, they became very successful at acquiring and retaining elective public office. They *redefined ethics* in a form of Orwellian Newspeak. They called it the Lawyer's Amoral Ethical Role.¹³ As if any righteous person's ethics could ever be consistent with the concept of amorality. Seeking relief from extreme anxiety caused by the evil ways of their profession, many members developed the psychological dysfunction known as cognitive dissonance, which transforms the perception of the evil they do into the good they would like to think they are doing. **Conclusion.**

There are 5 internationally recognized potential sources of tyranny. They are: the monarchy, the aristocracy, the military, the Church and any 'same hands faction' in control of government. There are 4 'instruments' of tyranny, The power of the sword, the power of the word, the power of the word of the Lord and the power of the purse. The Constitution protects us adequately from 4 out of 5 sources of tyranny but only 2 out of 4 'instruments' of tyranny. The Constitution has failed to protect us from a same hands legal profession¹⁴ *source of tyranny*. We are also totally unprotected from the *two instruments of tyranny* which are the deceitful power of the word and the power of the purse. The legal profession's tyranny of the Nation is a 'natural evolution' of its exclusive possession of the power to misuse the word, of its power to completely control the judiciary, and of its substantial possession of the power of the purse. To tyrannize the Nation it has developed deceit and self deceit to the highest level ever known to man.

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.*

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1. As specialized tools, mechanism or means peculiar to certain individuals or groups.
 2. *A history of knowledge, page 3*, by Charles Van Doren (1992) ISBN: 0-345-37316-2
 3. *Ibid.*
 4. See Funk and Wagnall's New Comprehensive Dictionary of the English language. (1978)

5. Which principle continues to be true with respect to the legal profession in the United States, but not others who have acquired wealth legitimately.
6. Correcting abuses by non lawyers who may also be masters of the power of the purse will probably have to await the removal of the present tyrannical control of government by lawyers.
7. Albeit they may sometimes report truth through the prisms of their own political bias.
8. It is this wirtler's opnion, apparently not shared by the legal profession, that a lawyer's knowledge should be used as that of all professionals with a concern for the public interest and a sense of righteousness. The position of the legal profession is that lawyers must adopt an '*amoral*' role in *counseling their clients*.
9. See prize winning article *The Lawyer's Amoral Ethical Role* by Professor Stephen I. Pepper, College of Law, Denver, page 613 of *The Ethics of Lawyers* edited by Stephen Luban, New York University Press. The very title of the article *Amoral Ethical Role* is an oxymoron. *Ethics* is the study of moral law. *Amorality* is the absense of concern with moral law!
10. The evidence shows that there were only 5 possible 'candidates' for tyranny in America. When the first four were neutralized by the Constitution the only 'candidate' left standing was the legal profession!
11. See *The American Lawyer*, pages 32-34, by John Dos Passos ISBN: 0-8377-0524-X
12. The laws are reffered to as Bar Rules and impact every citizen in the State which they are enacted.
13. See footnote 11.
14. The legal profession would undoubtedly protect us from *any other same hands faction*.