

## The state of the Union under a failed Constitution

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*The American legal profession's exercise of deceit to tyrannize the American people.*

Federalist 102 outlined the natural evolution of the legal profession as tyrants. It possesses the power of the word and is one of the two possessors of the power of the purse. It is also the only 'same hands' faction which is now or is ever likely to be, in complete control of the Judiciary branch of government. That makes the legal profession the last and only 'same hands' faction capable of controlling all government and establishing tyranny. But the members of the legal profession do not possess the power of the sword or the power of the word of the Lord. So the instruments of their tyranny are limited to economic power, abuse of the power of the Judiciary and the misuse of the power of the 'word', which is *deceit*

### **. Deceit evil and benign.**

What precisely is deceit? The dictionary tells us that deceit is: *The act of deceiving, deception, lying; a lie or other dishonest action; trick.* But deceit is not always bad. For example a person may tell a dying loved one that he will not die. That is deceit. But it is well intentioned or benign deceit, for its purpose is to ease anxiety. The magician's craft is also based on deceit and trickery. But it is also benign and well intentioned, for its purpose is to entertain. So the question of whether deceit is good or evil is dependent on the intent of the deceiver. So we distinguish between evil and benign deceit. The legal profession deceives with evil intent. To advance that evil intent the legal profession has raised the 'art' of deceit to new levels. To fully understand the depth and extent of that deceit will require the establishing of new expressions for different levels of deceit.

### **Deceit with evil intent: simple, double, triple, poly deceit and color of law deceit.**

The power of the members of the legal profession is rooted in deceit. Deceit more devious in quality, quantity and kind than the world has ever beheld before. *Deceit even of themselves, which is called self-deceit and arises from cognitive dissonance.*<sup>1</sup> To undo the harm done by the legal profession the Nation will have to strip from its members the mask of deceit. To do so it will be necessary to carefully examine the legal profession's unique ability to deceive the public and its attempts to '*redefine the truth*'.

The ordinary concept of deceit involves a person deceived who is aware of the deception. We shall refer to this kind of deception as *simple deceit*. The next level of deception is one in which the deceit is concealed indefinitely. That kind

of deceit we shall call *double deceit*, because there are two deceptions, the original deceit and the concealment of the deceit. The next level of deception we shall call *triple deceit*. It consists of the two deceptions called double deceit, plus yet a third deception. This third deception consists of falsely portraying the first dishonest act as one that benefits its victim. Even higher levels of deceit we shall call *poly deceit* or multiple deceit. That deceit involves some combination of *simple, double and/or triple deceit* to achieve a given result. There is one more level of deceit. We shall refer to it as *color of law deceit*, which is the abuse of the power of the judiciary. It occurs when laws, rules or other mandated behavior are deliberately given a false interpretation. It is the misuse of the power of law, the alleged ambiguity of language and the unscientific nature of *opinion* to deceive the people. *It is constantly used by the legal profession to enact unconstitutional laws, and enforce and falsely interpret constitutional issues for its own benefit.* It is the kind of deceit that former Justice Robert Jackson, our Nation's chief prosecutor at the Nuremberg trials of Nazi War Criminals referred to in the role of judges and law in legitimizing tyranny as: *'the most odious of all oppressions are those which mask justice.'*<sup>2</sup>

#### **The legal profession's specific uses of various forms of deceit.**

*Simple deceit* is the tool of pickpockets, con men, and various other professional scam artists. In *simple deceit* the victim is deceived long enough for the dishonest act to be perpetrated upon him. The criminal then expects to make his getaway *before* his victim becomes aware of the crime. But the criminal has no hope or expectation that the crime itself will remain concealed. Usually the legal profession will avoid such rudimentary techniques.<sup>3</sup> That is because the legal profession is seeking to conceal its crimes from its victims so that the victimization can continue indefinitely.

*Double deceit* is the minimum level normally practiced by the profession. The best example is the well documented and widely exposed standard practice in the profession of overbilling.<sup>4</sup> The client is overbilled and never realizes it. So deception can continue indefinitely.

*Triple deceit* occurs if a client's overbilling is 'adjusted'. If the client complains, the lawyer may give him a 'courtesy reduction' adjustment on the bill. He will still be overbilled but not as much. In which case the lawyer will generally explain that the bill was right originally and that the reduction is a good will gesture to keep the 'unreasonable client' happy. When that happens, the false framing of the action as benefiting the victim raises deceit to the level of *triple deceit*.

*Poly deceit* occurs when deceit is raised to a more complex level, such as concealing tyranny from the Nation, falsely asserting that lawyers are not

members of any 'same hands' faction, establishing and maintaining State Bars, etc.

**Color of law deceit** is the abuse of the power of the judiciary and occurs all the time. It involves 'misinterpretation' of law by the judiciary. It escapes sanction even when uncovered, because the judiciary will not sanction itself for deliberate misconduct in its own general interest, **and no-one else is empowered to do so**. It is the blatant and disgraceful application of a double standard! Let us see how and why.

**Ignorance of the law** is no excuse under the law. To 'ignore' the law may either mean to be '*unacquainted with*' or to '*willfully disregard*' the law.<sup>5</sup> Neither excuse is acceptable from nonlawyers. When Judges make unconstitutional rulings nothing happens to them. **Even when every logical argument is clearly against their ruling and other equal dignity Courts have determined the unconstitutionality of the issue.**<sup>6</sup> Their position when forced to retreat is effectively: Sorry, we erred!

But it is the job of judges to **know** constitutional law. So we are left with three choices. Either they are horribly incompetent, *but only when it comes to issues that help the legal profession*. Or they willfully disregard the law. Or they suffer from severe cognitive dissonance and can no longer tell right from wrong on these kinds of issues.<sup>7</sup>

### **Detecting deceit in general.**

Deceit whether for good or evil, involves certain tools, techniques, means and methods that are similar. It is therefore useful to analyze the well documented methods used by magicians, those well known entertainment masters of deceit! How do magicians fool us? According to Dr. Barbara L. Thaw, author of *The Armchair Magician*,<sup>8</sup> the plain truth is this: '*The smarter the man, the easier he is to fool.*' That is because the smarter we become, *the less likely we are to attribute obvious causes to mystifying effects.* Human nature is predictable and magicians take advantage of human nature to work their magic! All illusions (deceit) take place in the minds of the perceiver. They result from the interpretation or misinterpretation of clues received from the five senses. A magician's art is dependent on a number of principles. These are **false assumption, misdirection, concealment, and the magician's choice or forcing, (which we shall refer to as the illusion of choice)**. All of the 'tricks' of the magician's trade are used by the members of the legal profession. The members of the legal profession are primarily involved in the intellectual field of persuasion or logical argument. Let us examine how deceit is practiced there.

### **Detecting deceit in 'logical argument' as practiced by the legal profession.**

Aristotle, the father of logical argument, informs us that : *Some reasonings are genuine, while others seem to be but are not...*<sup>9</sup> Aristotle tells us that the study of a class of false arguments he refers to in his *Sophistical Refutations will*

*make a man seem to be wise when he is not.* That was the purpose of the Sophists of his day and as we shall discover, the purpose of the legal profession of our day. Let us first examine the principles of logical argument established by Aristotle and then the nature and kinds of ‘Sophistical false arguments’ refuted by Aristotle.

In general an argument is valid or invalid. A valid argument has a premise that provides conclusive evidence for the conclusion. An invalid argument fails in one of three ways: (1) Through a misstatement of fact; (2) Incorrect use of terms; or (3) In its defective ‘form’, through the use of an improper process of inference.<sup>10</sup> A quick summary of an invalid argument would be the use of either: False statement, false language, or false logic. Therefore along with the magician’s tools of deceit *the legal profession can falsely persuade by the use of invalid arguments.* So the seven combined main instruments of deceit are: **(1) False assumptions, (2) Misdirection, (3) Concealment, (4) Illusion of Choice, (5) False statements, (6) False language, and (7) False logic.** Aristotle identified a number of false or fallacious sophistical arguments. These arguments are based on false logic, defective form or an improper process of inference. Here are a few false arguments selected for their popularity with the American legal profession.

*Secundum quid:* (according to its truth as holding only under special provisos). Which means a general rule does not always apply to every case. *Ad hominem:* (speaking against the man) Arguments that speak against the man not the issues. *Ad populem:* (an appeal ‘to the people’) Arguments that avoid logical reasons and appeal to popular attitudes. *Ad misericordiam:* (an appeal ‘to pity’) Arguments that argue for sympathy not justice. *Ad verecundiam:* (an appeal ‘to awe’) Arguments that seek acceptance of a conclusion based on endorsement of that view by people held in general respect. *Non sequitur:* (it does not follow) Arguments that have a complete lack of connection between the given premise and the conclusion drawn.<sup>11</sup> With this information we can begin to identify the legal profession’s deceit on a case by case basis.

### **Tools of deceit used by the legal profession.**

In addition to all of the above tools the legal profession’s *color of law deceit* tool can be exercised in many ways. Here are a few of those ways. *The Big Lie;*<sup>12</sup> *Deliberate misinterpretation of law; Procedural abuse; Abuse of process; Judicial intimidation; Frivolous lawsuits;* The analysis of the tyranny of the legal profession will be made on a case by case basis in future Federalist papers. In each case we will seek to pinpoint the specific application by the profession of the tools of deceit. Here are a small number of examples of tools of deceit as practiced by the legal profession.

**(1) False assumptions:**<sup>13</sup> The following are only a few of the false assumptions created by the profession: (1) That the profession is ethical, (2) That a lawyer’s

primary concern is his client, (3) That if a lawyer continues to represent a client, it is because he does not have a conflict of interest with that client (4) That lawyers are trained in law and therefore make the best lawmakers, (5) That it is best for the people that lawyers monopolize the practice of law, (6) That lawyer's are not tyrannizing the Nation, (7) That the American legal system is the best in the world.

**(2) *Misdirection*:** This involves directing attention away from the real issue. Here are two of the *misdirection activities of the profession*. (1) Directing the public's attention to the differences in positions on public issues between two men who are lawyers, when the real issue is that as lawyers they will improperly benefit regardless of whose position prevails. (2) Doing the same in civil litigation.

**(3) *Concealment*:** This covers a large number of possible criminal activity and is essential to the profession's ability to continue to deceive. Here are a few examples of concealment; (1) Concealing real time worked on a case to be able to overbill. (2) Concealing conflicts of interest of various kinds, (3) Concealing the billing practices of charging expenses in contingency cases lost, to the accounts of clients whose cases are won. (4) Concealing wrongdoing in the handling of trust accounts unless and until wrongdoing can no longer be concealed.

**(4) *Illusion of choice*:** Making voters believe they have a real choice when the most if not all the candidates in particular races are lawyers, and a part of the tyranny.

**(5) *False statements*:** The numbers of false statements made by lawyers are legion. The specifics of these false statements will be raised on an issue by issue basis.

**(6) *False language*:** The misuse of the words ethics, morality, amorality and justice are at the top of the list.

**(7) *False logic*:** Here too a case by case application of the above mentioned examples of Aristotle's Sophistical Refutations will best serve our purpose.

### **Conclusion.**

The American legal profession uses deceit and economic power to tyrannize the Nation. The forms of deceit used are: simple, double, triple, poly deceit and color of law deceit.<sup>14</sup> The profession uses all of the tools of the magician's art of deceit as well as the false arguments developed by the Sophists in the days of Aristotle, to confuse the unwary. The Nation must examine and expose this deceit and the tyranny that it conceals before the Nation goes down.

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. See Federalist #95.
2. See *Contrary to Popular Opinion*, page 35 by Alan M. Dershowitz (1992) ISBN 0-86687-701-6
3. The only members of the legal profession who make use of ***simple deiciet*** are the few who are either to desparate, too stupid or too arrogant to curb their excesses. It is these lawyers who supply the State Bar with the few cases they have absolutely no chouce but to discipline in some manner. It is not uncommon for depression, alcoholism and/or drug abuse to have played a role in their fall.
4. See Federalist #99 for a list of current books by American lawyers detailing these crimes.
5. See *Black's Law Dictionary*, 1968 by West Publishing.
6. As when the Florida Supreme Court first enacted and then consistently maintained the unconstitutional 'gag rule' or confidentiality rule concerning complainant right to speak about complaints to the Florida Bar. The Rule was unconstitutional. The Bar's own Special Commission said so three times over a decade. The Federal Courts at the Appellate level on a 12-0 decision said so ***and still the Florida Supreme Court did nothing until this writer pressed the case as a non lawyer before the court.***
7. To suggest that judges make these kinds of decisions unimpaired by cognitive dissonance is to suggest an unacceptable degree of stupidity.
8. See *The Armchair Magician* by Dr. Barbara L. Thaw and Stephen J. Ronson. (1994) ISBN 0-440-50671-9
9. See *Sophistical Refutations*, page 227 by Aristotle, Great Books of the Western World, Volume 8, Aristotle: 1, (1952) Encyclopedia Britannica, Inc.
10. See *Logic* Encyclopedia Britannica (Volume 23, page 280) 15th edition 1988. The history and kinds of, The critique of forms of reasoning, Correct and defective arguments.
11. *Ibid*
12. *The Big Lie* is the repetition by 'sources of authority' of a lie so often that it finally becomes 'the truth.' The Nazi's did it in Germany in the 1930's when they said the Jews were responsible for Germany lising World War I and that Germans were a 'master race.'
13. All of the following *false assumptions* are employed in the use of the *Big Lie*.
14. This is by no means an exhaustive list. It is only the most obvious forms of deceit observed by this writer over the years.