

# SOME GOOD NEWS FOR THE AVERAGE CITIZEN

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The political philosopher Rousseau writes in his historic work "The Social Contract" as follows regarding the laws of a society:

"As soon as man can disobey with impunity, his disobedience becomes legitimate. . . .

. . .

In any case, frequent punishments are a sign of weakness or slackness in the government. . . .

. . . In a well-governed state few are punished, not because there are many pardons but because there are few criminals. In a decaying state the multiplicity of crimes assures impunity."<sup>33</sup>

One of the basic themes of this book has been the prevalence of State Bars and State Supreme Courts to deny admission to Bar Applicants, not because of acts constituting illegal conduct, but instead due to Applicant "attitudes." Typically, an Applicant who has engaged in a lot of civil litigation is branded by State Bar committee members with a presumption that he does not possess sufficient good moral character to be an attorney. This of course simply functions as an indictment of the committee member's lack of morality since engagement in civil litigation is a constitutional right. Taking the matter further, an Applicant who litigates to challenge immoral State Bar rules or judicial conduct is almost always denied admission. This of course brings into question the moral fitness of the State Bar to even administer the admissions function.

Civil litigation engaged in by Applicants is assessed by State Bars not based upon the merits of a litigation, but instead by who they institute suit against. The Bar's illegal concept is simply, "if you sue us, then you don't have good moral character." Applicants who sue State Bars are almost universally denied admission based upon the Bar's irrational and illegal conclusion that the lawsuit indicates their "attitude" mandates denial of admission. Ironically, from a perspective of truth, these lawsuits generally indicate the Applicant has a sense of morality and justice exemplified by many of the finest individuals in human history.

Similarly, an Applicant accused of engaging in the unauthorized practice of law by communicating truthful words containing legal information to help others is typically branded derogatorily by immoral Bar committees. This of course is understandable since the Judges supporting these irrational conclusions render judicial decisions for the purpose of promoting the economic interests of their lawyer friends. The concept is basically, "since you helped me become a Judge, I will render an irrational decision that falsely labels the Applicant as lacking good moral character. You will make more money and I will continue to have your political support."

It is an ongoing and endless thread in judicial opinions that State Supreme Court Justices provide legal support to people they like. They will not hesitate to violate the law or disregard U.S. Supreme Court opinions in order to rule against people whose attitudes they dislike. The mechanism for accomplishing this requires only a deceptive manipulation of the meanings of words and terms, built upon a foundation of subjective judicial self-interest.

After all, judicial opinions are just that. They are opinions of particular men and women who are no more special, nor intelligent than the average person. The only real distinguishing characteristic between a judicial opinion and the opinion of any citizen such as one formulated by an eight year old child, is that the judicial opinion carries with it immediate consequences. In contrast, the opinions of most citizens do not. Coupled with this is the fact that Judges have been trained as attorneys to skillfully misrepresent logic, morality and rational principles. In contrast, the average citizen generally does not possess nor desire attainment of this contemptible judicial skill.

The propensity of Judges to apply the law harshly to people whose attitudes they don't like is of course, not limited to Bar admission cases. Judges are mere humans and nothing more. Consequently, they are understandably handicapped by the personal emotions, irrationalities, cognitive deficiencies and mental imbalances afflicting all people at one time or another in their life. Thus, it can reasonably be expected as evidenced by the existent proofs in the Bar admission opinions, coupled with any cursory reading of a newspaper on any given day, that the law in the U.S. like all other nations is largely predicated upon whether someone is liked or disliked. The application of law tends to focus primarily upon how a person's attitude is perceived by the Courts, prosecutors, attorneys and governmental agencies involved. If they like you as a person you'll come out fine. If they don't like you, then you're screwed. The impact of the written law may play a role in the decision, but the ultimate outcome is generally based primarily on how well you are liked or disliked.

The foregoing gives rise to a simplistic premise. People with unlikable attitudes or unappealing personality traits will be treated more harshly in the

criminal law system than those with likeable attitudes. The focus of Courts, prosecutors and Judges, has shifted from whether a person committed an alleged illegal act, to whether the law should punish them for doing so because they are unlikable. Or alternatively should the Court let them get away with their illegal act because they are likeable and have the right attitude.

Of course, this premise exemplifies a deterioration of the rule of law, upon which our society supposedly rests. Nevertheless, for the average citizen it can fairly be said that "every cloud has a silver lining," so to speak. The "silver lining" associated with the aforementioned premise is as follows. It is a basic principle of economics that resources of any nature are limited. Consequently, the more Courts allocate judicial resources to punish those possessing bad attitudes without regard to whether the alleged illegal act was really committed, the fewer resources remain to punish those with "good attitudes" who actually commit illegal acts. This is an inescapable economic axiom.

The utilitarian rule this gives rise to for the average citizen is that if you want to commit an illegal act, make sure you do it with a "good attitude." For purposes of applying the phrase "illegal act" to this theorem, I exclude crimes of a violent nature. This is because I do not believe degeneration of the sacred rule of law has progressed to such an extent that people can expect to commit violent crimes and get away with them. The reason is that although principles of self-interest are firmly ingrained within the limited mentalities of Judges, prosecutors, defense attorneys and State Bar officials, there remains a stronger countervailing human sense of decency inherent within the souls of most people. This general sense of human decency will normally not be trumped by the financial or political self-interest of Judges or attorneys, regarding commission of violent crimes, except in rare instances.

But other than violent crimes, the bottom line is that the average citizen can get away with breaking a wide multitude of laws, so long as they are sufficiently astute to adopt an attitude that will be viewed favorably by law enforcement officials. They won't always be able to get away with breaking the law, but often they will. This is because just like there are some State Supreme Court Justices (typically, dissenting justices currently) who respect the law, there are also some trial court Judges and prosecutors who have a deep and genuine respect for the rule of law. However, since the greater proportion of Judges and attorneys do not have a genuine respect for the rule of law, the adoption by a lawbreaker of what will be perceived by the government to be a "good attitude" dramatically increases the lawbreaker's ability to escape penalty.

The majority of State Supreme Court Justices have made it imminently clear in their opinions that exhibiting a bad attitude is significantly worse than breaking the law. The latter may be forgiven. The former will be punished.