# A COMPARATIVE ANALYSIS OF STATE SUPREME COURTS IN THE 21st CENTURY AND THE GERMAN JUDICIARY IN THE 1930s

**By Evan Gutman CPA, JD (2013)**

**NOTE: The Description of the German Judiciary in this essay is based on INGO MULLER's book, "Hitler's Justice The Courts of the Third Reich," Harvard University Press (1991).**

"The people should not be deceived. While the present Court sits, a major, undemocratic restructuring of our national institutions and mores is constantly in progress.
. . .
The Court must be living in another world. Day by day, case by case, it is busy designing a Constitution for a country I do not recognize." [35]

Board of County Commissioners v Umbehr, 518 U.S. 668 (1996)
Justices Scalia and Thomas, Dissenting

Every now and then a litigant who feels they are being treated unjustly refers to a Judge or other law enforcement official as a Nazi. Jack Kevorkian did it. Geoffrey Fieger did it. Litigants sometimes do it quite justly. Other times, they are just "shooting from the hip" so to speak because they are angered about judicial rulings, which are not in their favor. The litigant's concept and sometimes the media (which also periodically compares a Judge to a Nazi) is to convey a message that unless someone curbs that Judge's unlawful conduct, America will become like Hitler's Third Reich. Stronger criticism of the legitimacy of a government could not exist. That does not mean however, such criticism is always correct.

Hitler's Germany is widely considered to be the most despotic, ruthless, criminal and unfair government that ever existed. Consequently, to the extent it is proven that elements exist which, are common between official judicial conduct in the U.S. and the Third Reich, such conduct by U.S. Judges must be viewed circumspectly. If the commonality is genuine, rationality mandates that strong consideration must be given to eliminating those elements in the American Judiciary.

The purpose of this article is to provide an even-handed comparison of those elements, which exist in the American Judiciary and also existed in the

Judiciary of the Third Reich. This includes certain techniques and methods of judicial opinion writing and decision-making, which are common to both. In addition, I examine those elements that differentiate the two Judiciaries. To accomplish this undertaking, the nature of the German Judiciary and the limitations it faced under Hitler must be understood.

While there have been countless books written about Hitler and World War II in general, not nearly as much has been written specifically addressing the German Judiciary. The best book, I have come across regarding such was written by INGO MULLER, a German lawyer, law professor and official in the German Justice Department. It is titled "Hitler's Justice The Courts of the Third Reich." It was published in 1991. The Introduction to the book is written by Detlev Vagts and is an exceptionally good summary itself.

Muller explores the reasons why Judges and lawyers of Nazi Germany succumbed to a lawless regime. In addition the book probes into the issue of whether Nazi statutes actually constituted "law" since they were passed under the 1933 Enabling Act. Hitler had obtained that enactment through exclusion of Communists from the legislature and the imposition of enormous pressures and threats upon voters and deputies. The concept is that if the law giving rise to other laws was illegal then the Nazi statutes did not constitute law. [36]

When Hitler assumed power there was in existence a German Constitution, which provided substantial constitutional rights to the citizens. The theoretical legal linchpins that Hitler used to justify negation of those constitutional rights were the necessity for "defense of the state," and "emergency powers." These doctrines assumed full argumentative force in the Reichstag Fire Decree enacted immediately after the Reichstag fire. The fire that was set to the German legislative building occurred during the German elections that would take place shortly following Hitler's appointment as Chancellor. The theoretical underpinnings of the German experience set forth a strong example of the reasons why citizens should be particularly circumspect and wary of governmental negations of constitutional rights predicated on the need for the Executive to assume "emergency powers" in order to "defend" the State. [37]

While Hitler predicated his assumption of uncontrolled power on the need for "defense" and "emergency powers," the German Judiciary predicated its neutralization of the legal profession on the grounds of morality, character, ethical standards and professional standards. Essentially, as will be demonstrated in this article, countless German judicial opinions held certain conduct, which was objectively moral, to be immoral under German law. That which was ethical was falsely categorized as unethical. That which demonstrated good character was falsely labeled to constitute bad character.

Significant differences existed between the basic structure of the American Judiciary and that of the German Judiciary in the 1920s. Detlev Vagt's introduction to Muller's book points out that German courts have always functioned without a jury. [38] In contrast, the Anglo-American system is predicated upon jury trials. In Germany, law students begin attending law school directly from high school, whereas in the U.S. a college education is required. There is no such thing as prosecutorial discretion in the German system. [39] Instead, a German state's attorney who receives convincing evidence that a crime has been committed is required to institute proceedings. Unlike trials in the U.S., a trial in Germany, is kept under tighter control by the Judge. The Judge does most examining of witnesses, instead of functioning primarily as an umpire as in the American system. [40]

A brief history of the German Judiciary is presented by Ingo Muller and includes the following. After 1878 upon his promotion to Chancellor, Bismarck initiated a series of ultraconservative measures to purge the German Judiciary of its progressive members. Whoever aspired to a seat on the bench had to undergo an 8 - 10 year probationary period. The effect of this was that only one type of man could typically last in the German legal profession. Namely, highly conservative individuals with an extreme loyalty to authority. [41] Muller cites Leo Kofler's "History of Bourgeois Society" to characterize the behavioral type of individual that fit this mold:

> "A formalistic emphasis on duty, a false concept of honor . . . spinelessness combined with a tendency to heroic posturing, rationalized sentimentality, and a Prussian haircut." [42]

During the late 19th century, German Judges remained formally independent of the government, notwithstanding their characteristic submissiveness toward state authority. [43] The German Empire established in 1871 came to an end with the conclusion of World War I. In February, 1919 the Weimar Republic was established in defeated Germany. It was a fragile, fractured government, which lasted until Hitler assumed power in 1933. During the Weimar Republic criminal convictions for treason were widespread. Muller asserts that twice as many people were convicted of treason during each year of the Weimar Republic as during the entire 30 years preceding World War I. [44]

The German Supreme Court during the Weimar Republic alerted legal experts by writing opinions that held "defense of the state" was a valid justification and defense for committing a crime. [45] The effect of this was to place the interests of the state above the law. By implication even the most

heinous crimes were not punishable if committed in the interests of the state. [46] Keep in mind, these are judicial opinions written BEFORE Hitler assumed power under the preceding government. These types of decisions however, demonstrate how a Judiciary widely perceived as legitimate can cause the decay of the rule of law, thereby setting in place the foundation for someone like Hitler to assume power.

On January 30, 1933 the aging President Hindenburg appointed Hitler as Chancellor and requested him to form a coalition government. A day later, Hindenburg gave Hitler authority to dissolve the German Reichstag (Legislature) and call for new elections. Five days later, Hitler issued his "Decree for the Protection of the German People." It required all political organizations to report all meetings and marches in advance and allowed the police to forbid meetings, demonstrations and distribution of pamphlets at will. This all occurred in the midst of the so-called election campaigns. Three weeks later on February 27, 1933 when the political campaign was at its height, the Reichstag building where the legislators met went up in flames. [47]

Nazi leaders proclaimed that Communists set the Reichstag fire. But, it was clearly the Nazis who benefited from the fire, since it allowed them to consolidate their hold on power. One day after the fire on February 28, 1933, the Reichstag Fire Decree ("Decree for the Protection of the People and the State") was published. It became the main legal foundation for Nazi rule. It gave the government at the height of the election campaign, the power to shut down presses of left-wing parties, forbid publications by the opposition, and to arrest political opponents at will. It effectively annulled all basic constitutional rights guaranteed by the German Constitution. The mere spreading of any rumor that Nazis had set fire to the Reichstag became a treasonable offense. [48]

Paul Vogt, a Judge on the German Supreme Court in 1933 was placed in charge of investigating the cause of the Reichstag fire. He carefully followed his instructions not to search among Nazis for any conspirators. The legal defense of Communists who were charged with setting the fire was taken over by court-appointed attorneys who had the full confidence of the Judges, if not their clients. [49] At the trial Nazi leader Hermann Goring stated in regards to the Communists:

> "Your Party is a Party of criminals which must be destroyed. And if the hearing of the Court has been influenced in this sense, it has set out on the right track." [50]

Responding to the Defendant's assertions that the Reichstag fire had been the work of the Nazis the German Judges held as follows regarding the Nazi Party:

> "<their> ethical principles of restraint preclude the very possibility of such crimes and actions as are ascribed to them by unprincipled agitators." [51]

Predictably, the Nazis won the elections of March 5, 1933 through their coercive tactics. Eighteen days later on March 23 1933, they enacted the Enabling Act of 1933, which was titled as the "Law to Remove the Danger to the People and the Reich." It gave the government emergency powers to circumvent the legislature.

It is easy to see that the titles used for the German laws, as well as the German Judiciary's characterization of the "ethical principles" of the Nazi Party are intended to communicate positive moral character traits along with attributes of "justice," and "defense." A law labeled "Law to Remove the Danger to the People" conveys a positive message. This is notwithstanding that it is well known the Nazi government was guilty of precisely the opposite. The lesson to be learned from an analysis of the German judicial experience is that words used by Courts or governments cannot simply be accepted at face value. Rather instead, the "Real Essence" of the government and the underlying character and intent of the Judges must be examined, rather than blindly accepting their purported "Nominal Essence." Only in this manner can the true intent of such government officials be revealed.

On April 1, 1933 as part of a concerted action against Jews, the German ministries of justice suspended all Jewish Judges, public prosecutors and district attorneys. On April 7, 1933 a decree was issued called the "Law for Restoration of the Professional Civil Service." Once again, the name of the law conveys a positive message. In fact though, the law was designed to permanently remove all government officials who were Jewish, Social Democrats or otherwise characterized by the Nazis as "politically unreliable." [52] Coordination of attorneys and Judges continued in October, 1933 at the German Supreme Court building when 10,000 German lawyers swore with their right arms raised in a Nazi salute that they would strive as German jurists to follow the course of the Fuhrer to the end of their days. [53]

Muller tells the story of Erwin Bumke, born in 1874 to affluent parents. He was politically conservative and became President of the German Supreme Court in 1929. When the Nazi takeover occurred, Bumke was deeply concerned

and thought about resigning from the Court. In a letter to the State Chancery he threatened to resign writing:

> "It is almost more than I can bear to think that my name will be connected with a period of history of the Supreme Court which means its downfall." [54]

Supreme Court Justice Bumke's protest however, was not based upon moral indignation about the dismissal of his Jewish colleagues. Nor was his protest related to the many murders being committed by the Nazi regime. Rather instead, the crux of Bumke's protest focused on the plan to limit the pensions of retired German Supreme Court Judges. Ultimately, Bumke decided to remain in office. He played a key role in implementing Hitler's Race Laws by utilization of so-called "time-honored" and "well-respected" techniques of judicial interpretation. Bumke would enjoy Hitler's full confidence. Bumke's professional activities included his participation in a meeting of leaders of the German legal system to discuss procedures to be used for the mass murder of the handicapped. [55]

German legal scholarship at the time included Carl Schmitt's essay, "The Fuhrer as the Guardian of Justice." This so-called "scholarly" work presented the regime's legal and moral justification for Nazi murders committed in 1934. Muller notes it as a prime example of the depths to which legal scholarship could sink. [56] Schmitt became the Nazi's main legal theorist to present justification for the "State of Emergency." It was the burning of the Reichstag that provided the Nazis with the excuse they needed for declaring a State of Emergency. [57]

On page 337 of the first part of this book, I discuss the Georgia Bar admissions case of In Re Lubonovic, 282 SE2d 298 (1981), in which the Georgia State Supreme Court asserts that the State Bar has a right to inquire into the "innermost feelings" of an Applicant. The Georgia Court's cognitively deficient assertion in that case is frighteningly reminiscent of what Carl Schmitt wrote on behalf of Nazi Germany, when he stated:

> ". . . I cannot see into the soul of this Jew and that we have no access at all to the **innermost nature** of Jews. We are aware only of the disparity between them and our kind. Once you have grasped this truth, then you know what race is." [58]

Under Hitler's laws "political opposition" was a crime. However, as is often the case with terminology used in a law, it was left to the Courts to define the scope of the term "political." In doing so, the German Courts decided that the term applied to almost everything. This contribution of the German

Judiciary demonstrates the vast societal dangers caused by judicial application of the doctrine of Implied Construction of terms. It could in fact, happen in any country, including the U.S. On March 21, 1933, "Special Courts" were created with jurisdiction over all crimes listed in the Reichstag Fire Decree. Muller characterizes the style of judicial decision-making in Nazi Germany as follows:

> "The decisions . . . continued to be couched in the traditional language of the higher courts - that is, in a dispassionate and impartial tone largely free of Nazi polemic. Nonetheless, this should not disguise the fact that the Court of Appeals made a substantial contribution to legitimizing the persecution. . . ." [59]

Muller also points out that the Judiciary "repeatedly expressed the view that the illegality of the Communist Party was proven by the mere fact that Communists were being prosecuted." [60] German Bar associations began to announce new guidelines for membership. Muller writes:

> "The Bar Association of Berlin declared that establishing or maintaining a law firm with partners of both "Aryan" and "non-Aryan" descent was **unethical**." [61]

Note the emphasis above on "ethics" when the true purpose is to justify unethical government conduct. The Dusseldorf Bar Association decreed it was a violation of professional standards to employ former "non-Aryan" attorneys or to take over their clients. It further decreed that:

> "Every professional contact with . . . non-Aryan attorneys is a violation of standards." [62]

Defense counsel was required to undertake an entirely new role in the Third Reich. In a "Letter to Lawyers" the minister of justice notified the legal profession that defense counsel:

> "As counsel for the defense, the attorney has taken up a position closer to the state and the community. . . He has become a member of the community of guardians of the law and lost his earlier position as a one-sided representative of the defendant. . . . " [63]

It was the legal profession's own disciplinary committees that brought about the full coordination of the status of attorneys and their role as state servants. The Bar disciplinary committees and Bar admission committees in

Nazi Germany became the tools through which Hitler exercised his control over the legal system. Everything was done in the name of "Ethics" and "high professional standards," even though it was clear the exact, precise opposite was what was transpiring. However, everything the German Judiciary did was couched in the most positive terms imaginable. This is similar to how State Bars in the U.S. today publicly praise their own unethical programs and immoral conduct as being in the public interest, even though what they are doing is totally adverse and inimical to the public interest and U.S. Constitution. The following statement made by Nazi "Defense" Attorney Dr. Alfon Sacks could almost just as easily be made by State Supreme Court Justices in the U.S. today, which is a quite disturbing fact. Dr. Sacks stated that Judges, prosecutors and defense attorneys should be:

> "comrades on the legal front . . . fighting together to preserve the law. . . The coordination of their tasks must guarantee their practical cooperation and comradeship. . . Just as the new trial no longer represents a conflict between the interests of an individual and the state, now the legal participants should regard their tasks no longer as opposed to one another, but rather as a joint effort infused with a spirit of mutual trust." [64]

Ostensibly, the above statement sounds moralistic though it was designed to foster evil. Look at the words that these supporters of the German Judiciary used. Concepts of working "together," "cooperation," "joint effort," and "mutual trust." The German Judiciary didn't promote its program by overtly saying, "we're going to render unfair trials and kill a lot of innocent people." They used the most dispassionate and benevolent terms imaginable to characterize what they were doing. The most unconstitutional State Bar programs and State Supreme Courts in the U.S. today, utilize the exact, same precise methodology.

The foregoing modus operandi is uncannily characteristic of what State Bar admission committees and State Supreme Courts in the U.S. do. They couch immoral decisions in terms of "good moral character," "ethical standards" and "professionalism." In truth though, their sinister intent is disguised in formalistic legal terms and appealing language.

Muller points out that the German Judiciary "interpreted every appearance of coolness toward the regime as a breach of professional standards." [65] One attorney who "refused to vote in the Reichstag elections of March, 1936 as a protest against Gestapo persecutions was . . . disbarred." The Court held that the:

> "special duty of loyalty to the Fuhrer . . . raises the expectation that attorneys will show themselves to be loyal followers of the Fuhrer. . . Through his failure to participate in the election . . . he did give evidence of his own lack of loyalty to other members of the community. . . ." [66]

Note the emphasis above on "loyalty" and "community" when the true purpose is to subjugate the citizenry and crush political dissent. One German Court emphasized it had no reservations about violating the principle of secret elections writing as follows:

> "Once the attorney's vote had become known, "nothing stood in the way of scrutinizing his conduct with regard to **professional ethical standards**." [67]

Muller characterizes many aspects of the German Judiciary in the following paragraph:

> "The recognition of "defense of the state" as a justification for breaking the law made it possible for the courts to let the most serious crimes up to and including political assassinations go unpunished. The emphasis on motives, general tendencies, previous convictions, and character of a defendant - rather than the objective and verifiable circumstances of a particular act - made the criminal justice system flexible. . . ." [68]

One civil servant who refused to participate in the Nazi's "Winter Relief Fund" was disciplined and the Supreme Disciplinary Court wrote as follows:

> "Freedom to him means the authority to refuse to carry out all duties not explicitly prescribed by law, as he himself sees fit. He has refused to participate in a community undertaking, because he wishes to show that no one can compel him to; however, precisely **this attitude signified a reprehensible abuse of the freedom granted him by the Fuhrer** in his reliance on the German spirit." [69]

Note the emphasis above on the "freedom" purported to be "granted by the Fuhrer." We see here how effective the Judiciary can be at divesting the citizenry of freedom by falsely stressing its existence. In 1923, Germany had

adopted "Principles of Criminal Punishment." Paragraph 48 read as follows at that time:

> "Prisoners are to be treated . . . justly and humanely. Their sense of honor is to be respected and strengthened." [70]

The foregoing Paragraph was changed under Hitler's Judiciary in 1934 to read as follows:

> "The restriction of the prisoner's liberty is a penalty through which he shall atone for the wrong he committed. The conditions of imprisonment shall be such that they represent a considerable hardship. . . . Prisoners are to be . . . **strengthened in character.**" [71]

Note the emphasis above on strengthening character, when the true purpose was to simply justify the infliction of vicious physical punishment. The emphasis of the German Judiciary on "character," ethical standards, and professional standards is eerily frightening and unsettlingly reminiscent when considering contemporary State Bar admission opinions and disciplinary actions in the U.S.

A Court in Konigsberg, Germany held that a registry official could lawfully refuse permission to allow mixed marriages between Jews and Aryans. The Court determined that the application of such a legal principle was justified not because of the existence of a valid law prohibiting such marriages, but instead based on generally held beliefs about what is "right." The Court stated:

> "No one can be in any doubt that marriage between a Jew and an Aryan woman is contrary to the German **understanding of what is right**." [72]

Note the Court's use of the phrase "No one can be in any doubt." This is a standard judicial opinion writing technique used by a vast array of Courts in the U.S. today. Judges do not hesitate to contend that certain points are incontestable when in fact they are abjectly false. The German Court's opinion in this case was praised by Carl Schmitt as a "model of truly creative legal practice" and an "example" for every "Nationalist Socialist upholder of the law." [73] In a different case, the German Court of Appeals in Karlsruhe stated:

> "Today it has been recognized that the Jewish race differs considerably from the Aryan race with regard to blood, **character, personality**, and view of life, and that a connection and pairing with a member of this race is not only undesirable for a member of the Aryan race, but also **injurious . . . and unnatural**." [74]

The German Judiciary often used sexual offense allegations to justify the incarceration of Jews. Muller writes as follows:

> "The chief public prosecutor in Karlsruhe, for example, had notified the Ministry of Justice in 1935 that "within the jurisdiction of the Karlsruhe Court of Appeals, quite a large number of Jews . . . <have been> taken into preventative detention" for sexual offenses with "Aryans." [75]

Notably, it is quite common for Judges and politicians in any country to utilize and hide behind the Flag, Sex, the Bible and children to conceal their immorally detestable goals of subjugating the citizenry. A Hamburg County Court found that the romantic love affair of two young people who had written daily letters to each other during a five-week separation was "so grave and vile, that no mitigating circumstances can be found." The Court sentenced the male partner to six years in the penitentiary stating:

> "It is a prime example of Jewish effrontery, Jewish contempt for German laws . . . and Jewish unscrupulousness." [76]

Typically, when a Jewish man had a romance with a German woman the Courts held they had "seduced innocent girls of German blood." [77] In contrast, when a Jewish woman had a romance with a German man they were determined to be prostitutes.[78] In one case involving a Jewish woman who had a romance with a German man, the Court wrote she was:

> "a lascivious, morally depraved Jewess who used her unchecked sexual appetite and ruthlessness to acquire a strong influence over the defendant." [79]

The German Judges wrote opinions regarding Contract law and the reasons why it was logically inapplicable to Jews. The Court of Wanne-Eickel upheld the refusal of a German to pay a Jewish merchant on the ground that National Socialists "refuse in principle to enter into commercial transactions with Jews." [80]

A good example of how Judges regularly hide behind children to mask their diabolical political goals occurred when the Berlin Court took custody of legally adopted Aryan children away from their Jewish parents. However, at the same time the Court also "stipulated that the parents must continue to provide financial support for such children." In divorce cases of mixed parents, "the Aryan parent was always given custody of the children." [81]

In 1927, before assuming power Hitler had proposed a plan for killing newborn infants who had physical or mental defects. In 1933, a law was passed titled the "Law for the Prevention of Hereditary Diseases." It provided for mandatory sterilization in cases of genetic disorders. Note the title of the law. This essentially is how governments often function. The title of the law does not convey a message of murder. Rather instead, the title conveys a message that the government is doing a good and righteous thing. It would seem to any average person that preventing hereditary diseases is a praiseworthy objective. But, the essence of the law is clearly diabolical.

This modus operandi was not at all unique to Hitler, nor is it absent in the U.S. today. We have countless laws in existence in the U.S., which depending on who you ask are either "good" or "evil." Whether such laws are actually good or evil, it is irrefutable that almost universally the title of the law conveys a positive message. While I do not necessary believe the Patriot Act in the U.S. is an entirely bad law, there are parts of it that are. In any event, it is irrefutable that the name "Patriot Act" conveys a positive message. In contrast, if the Patriot Act had been titled, "A Law to Place U.S. Citizens Under Surveillance" chances are it would not have been received too well by anybody, which would have jeopardized its passage.

Defining what constituted a "hereditary disease" under Germany's "Law for the Prevention of Hereditary Diseases" naturally became subject to application of the Judiciary's manipulative doctrine of Implied Construction of terms. This resulted in an over-expansive and irrational construction of the phrase by German Courts. Ultimately, it was determined that the phrase "hereditary disease" included feeblemindedness, manic depression, epilepsy, blindness, deafness and alcoholism. [82]

Thus, we can see that it is not only the title of a law that is often deceptive. The "definitions" and scope of what is covered by a law often do not comport with a rational understanding of what is incorporated by the title. Hitler's plan for killing those with physical or mental defects relied in part on a book co-authored by law professor Karl Binding and psychiatrist Alfred Hoche. The book had been published in 1920 and was titled "Sanction for Destroying Lives Not Worth Living." Binding and Hoche, who were praised as so-called

German legal and medical scholars wrote as follows regarding the possibility of misdiagnosing what constitutes a hereditary disease:

> "For family members the loss is naturally very severe, but the human race loses so many members to errors that one more or less hardly matters." [83]

Moral condemnation by the German Judiciary was particularly directed at alcoholics. Alcoholism was regarded by the German Judiciary as the mark of an "unstable character." This is quite similar to how U.S. State Supreme Courts treat the consumption of alcohol by State Bar Applicants. In fact, in the German Courts when an alcoholic sought assistance to cure his alcoholism that became a point of reproach itself. [84] One German "Hereditary Health Court" stated:

> "Z is incapable of dealing with the consequences of alcoholism on his own. He is able to manage only with the support of his wife and teetotalers' groups. Thus, a condition of severe alcoholism . . . is present." [85]

As emphasized herein, governments typically do not assign evil names to laws or institutions that carry out their evil inclinations. Hitler's euthanasia program for inmates of state hospitals included their transfer to institutions where they were then murdered. They were transported by an organization that was named the "Charitable Association for Patient Transport, Inc." [86]

In the U.S. today we have seen a marked increase of States taking custody of children away from their parents. This typically occurs on the ground that the parents are purportedly "abusing" their children. As a result, the State asserts that the "best interests" of the child purportedly require they be put into custody of the State. Often however, the State takes custody of a child not because there is objective evidence the child is being abused, but instead because the parents are falsely labeled by Judges as being "uncooperative" with State officials. The Nazi experience demonstrates how the granting of too much leeway to the State to determine what constitutes "abuse" is a dangerous instrument. The Wilster Court in Nazi Germany took state custody of German children whose fathers had not sent them to join the Hitler Youth writing:

> "anyone keeping his children out of the Hitler Youth . . . is abusing his parental authority."[87]

A Berlin-Lichterfeld Court held that:

> "the danger posed to children by a Communist or atheist upbringing warrants their removal from their parents." [88]

German Courts also held sufficient grounds to take custody of children from parents existed when the children refused to give the Hitler salute at school. [89] Muller writes as follows regarding the general modus operandi of German Courts:

> "Even though the courts were playing an active role in supporting the injustices occurring every day, they nonetheless went to great lengths to defend their reputation. The **slightest reference to the high-handed breaches of law that were constantly occurring could result in criminal charges**. . . ." [90]

Note the indication above in Muller's statement that German Judges would respond to criticism by subjecting the critics to criminal charges. This is not much different than State Bars, which deny admission to Applicants who institute civil suits against them. And one does not need to go far in the U.S. to find any attorney who will not hesitate to tell his client that the main thing is to not piss off the trial court Judge who will be deciding their case. The simple fact is that whether the place is Nazi Germany, or the United States, or anyplace else, Judges tend to have a vindictive streak within them. Many (not all) respond to constructive rational criticism of their irrational conduct by inflicting harm upon the critic. Ostensibly, they use legal means. But in practicality, all they're doing is seeking revenge against those who don't agree with them.

In conclusion, there were numerous objectively similar characteristics in the methods used by the German Judiciary and legal profession to espouse their evil programs and plans, with those used by State Supreme Courts and other Courts in the U.S. today. Both use the most benevolent and innocent terminology to conceal the true nature of what they are doing. Most particularly, the public needs to be extremely wary and cautious of State Supreme Courts that twist the meaning and definitions of the terms "ethics," "professionalism," and "morality."

Like laws labeled by governments, close examination often reveals that the words used by Judges are intended to accomplish the exact opposite of what they ostensibly assert. They do this in order to help State Bar officials win public approval for immoral programs and an immoral course of conduct.

When this occurs the Judiciary's deceptive intent is to falsely portray immoral conduct in a positive light through the use of appealing terminology. Otherwise, if the proper words that truly define what is occurring were used, the State Bars would be subjected to public contempt, condemnation and legal opposition.

Like U.S. Supreme Court Justices Scalia and Thomas said, "a major, undemocratic restructuring of our national institutions and mores is constantly in progress." [91]