THE PRACTICE OF LAW IS A FUNDAMENTAL CONSTITUTIONAL RIGHT

By Evan Gutman CPA, JD (2013)

The most straightforward support for holding that the ability to engage in the practice of law is a Fundamental Constitutional Right is simply to rely on what the U.S. Supreme Court said in the following cases (emphasis added):

"The attorney and counselor . . . clothed with his office, does not hold it as a matter of grace and favor. The **right** which it confers upon him to appear for suitors and to argue causes is something more than a mere indulgence, revocable at the pleasure of the court or at the command of the legislature." [127]

Ex Parte Garland, 4 Wall. 333, 379 (1866)

"As the Court said in Ex parte Garland, 4 Wall. 333, 379, the **right** is not "a matter of grace and favor." [128]

Willner v Committee on Character and Fitness, 373 U.S. 96 (1963)

"The power of the States to control the practice of law cannot be exercised so as to abrogate federally protected **rights**." [129]

Johnson v Avery, 393 U.S. 483 (1969), Lead Opinion, Footnote 11

"The lawyer's role in the national economy is not the only reason that the opportunity to practice law should be considered a "**fundamental right**." [130]

Supreme Court of New Hampshire v Piper, 470 U.S. 274, 281 (1985)

"In *United Building & Construction Trades Council v Mayor & Council of Camden*, 465 U.S. 208 (1984), we stated that "the pursuit of a common calling is one of the most fundamental of those privileges protected by the Clause." . . . [131]

Supreme Court of New Hampshire v Piper, 470 U.S. 274 (1985); Footnote 9

"In C*orfield v Corvell*, 6 F.Case. 546 . . . Justice Bushrod Washington, sitting as Circuit Justice3, stated that the "**fundamental rights**" protected by the Clause included:

> "The **right** of a citizen of one state to pass through, or reside in any other state, for purposes of . . . **professional pursuits** . . . .

Thus, in this initial interpretation of the Clause, "professional pursuits," such as the practice of law, were said to be protected." [132]

> Supreme Court of New Hampshire v Piper, 470 U.S. 274, (1985); Footnote 10

"I do not mean to suggest that the practice of law, unlike other occupations, is not a "**fundamental**" interest. . . ." [133]

> Supreme Court of New Hampshire v Piper, 470 U.S. 274 (1985); Justice Rehnquist - Dissenting - Footnote 1

"The **practice of law is** not a matter of grace, but **of right** for one who is qualified by his learning and moral character." [134]

> Baird v State Bar of Arizona, 401 U.S. 1, 8 (1971)

It is quite remarkable that in light of the foregoing express statements by the U.S. Supreme Court, that certain incorrigible State Supreme Court Justices and State Bars persist in classifying the practice of law as a "Privilege." On the other hand, there are many State Supreme Court Justices who have fulfilled their legal duty to classify the ability to engage in the practice of law as a fundamental constitutional right. Yet, even most of them do not treat it as such. Instead, their intractable mentality causes them to irrationally persist in applying so-called Rational Basis scrutiny to the moral character issue.

It is important to point out that all of the U.S. Supreme Court Bar admission cases occurred prior to expansion of Strict Scrutiny to categories beyond race. They also all occurred prior to adoption of Intermediate Scrutiny for certain other classifications. Stated simply, any reliance placed by State Bars

and State Supreme Courts upon some language in Schware that does concededly suggest Rational Basis scrutiny is appropriate, has been completely and totally outdated and refuted by the Court's later opinions expanding the types of classifications warranting application of stricter standards of scrutiny.

There is little doubt that no fundamental constitutional right of any nature can be assured of protection without the competent, zealous and brave assistance of an attorney who is unwilling to yield except to the administration of true justice. Without brave attorneys, all constitutional rights succumb to injustice. Consequently, the ability to engage in the practice of law encompasses every single other fundamental constitutional right. This type of premise is elucidated in Footnote 15 of Plyer v Doe, 457 U.S. 202 (1982), where Justice Brennan who wrote the lead opinion writes as follows (emphasis added):

> ". . . With respect to suffrage, we have explained the need for strict scrutiny as arising from the significance of the franchise **as the guardian of all other rights**." [135]

Yet even the protection of voting rights, held by the U.S. Supreme Court to be subject to Strict Scrutiny specifically because it is the "guardian of all other rights," is in certain regards dependent on the ability of individuals to engage in the practice of law. This is because lawyers are the ones who secure the right to vote for citizens through institution of relevant litigation. It may be fairly stated that the "guardian" of voting rights is the ability to engage in the practice of law. In Harper v Virginia Board of Elections, 383 U.S. 663 (1966), the Court held that classifications, which might impinge on fundamental rights and liberties must be "closely scrutinized." The Court wrote:

> "Long ago, in Yick Wo v Hopkins, 118 U.S. 356, 370, the court referred to "the political franchise of voting" as a fundamental political right, because preservative of all rights." [136]

Similarly, in Reynolds v Sims, 377 U.S. 533, 561-562 (1964) the Court wrote:

> ". . . Especially since the right to exercise the franchise . . . is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized." [137]

The ability for a qualified person to engage in the practice of law must be considered a Fundamental Constitutional Right with restrictions upon such being subjected to Strict Scrutiny for the following FIVE reasons. FIRST, Rational Basis Scrutiny is particularly inappropriate because the critical element of giving deference to legislative judgments upon which it is predicated, is lacking in regards to licensing standards established by the Judiciary. The Judiciary cannot defer to itself, so application of that "de minimus," "negligible" and "toothless" scrutiny standard to Bar admission qualifications is wholly irrational. As demonstrated herein previously, "Modern Day" Rational Basis Scrutiny is tantamount to no scrutiny at all. It relegates judicial review to nothing more than a complete waste of time and resources. If Courts are going to apply Rational Basis Scrutiny to Bar admission standards, they might just as well openly hold that the State Bars can do as they please without regard to the law and have unlimited discretion. Presumably, some citizens might then adopt the same perspective regarding their course of conduct.

The SECOND reason to apply Strict Scrutiny to Bar admission standards is that the ability for a qualified person to practice law protects all other fundamental constitutional rights. There is little doubt that no fundamental constitutional right of any nature can be assured of protection without the competent, zealous and brave assistance of an attorney. Without brave attorneys, all constitutional rights will succumb to injustice.

THIRD, there is an Inverse Relationship Between State Bar Admission Standards and UPL Prohibitions. In accordance with this inverse relationship, reasonable UPL prohibitions are justifiable only if State Bar admission standards are fair and narrowly tailored to avoid excess discretion and subjectivity on the part of State Bar admission committee members.

The legal profession cannot survive without prohibitions against the Unauthorized Practice of Law. Despite my reservations about them and the fact that State Supreme Courts have exempted them from meaningful constitutional review, I do believe that reasonable UPL prohibitions can potentially serve a vital and useful public purpose. The key to justifying reasonable UPL prohibitions and winning the general public's support for them is to ensure the profession does not keep its' doors unconstitutionally closed by basing admission to the Bar on subjective moral character assessment of State Bar admission committee members. The key to avoiding excess discretion and overly subjective moral character assessment is to require Strict Scrutiny of moral character assessment questions, restrictions and qualifications. In this manner, the protection of the public will no longer be an ancillary purpose of UPL prohibitions, but instead will be the prime purpose.

FOURTH, as indicated previously, restrictions on the ability of a qualified person to engage in the practice of law involve the "intersection" of the First and Fourteenth Amendments. The overwhelming majority of legal attacks upon UPL prohibitions and State Bar admission standards have been predicated upon the assertion they violate the First Amendment Free Speech Clause. This is attributable to the fact that the practice of law involves significant communicative elements. There is a close nexus between UPL prohibitions and State Bar admission standards due to the fact they both function to curtail the right of individuals to engage in the practice of law. As the U.S. Supreme Court has indicated when both First and Fourteenth Amendment protections are at issue, closer scrutiny is required.

FIFTH, Strict Scrutiny should be applied to State Bar admission qualifications because the modern day State Bar admissions process was adopted to effectuate a discriminatory purpose against minorities. It has also had a discriminatory effect upon minorities. It is a product of the Depression era of the 1930s. That was the time when State Bars seized the opportunity to capitalize upon and exploit the economic weakness of the average American.

The National Conference of Bar Examiners (NCBE) is the organization responsible for formulating the modern day State Bar admissions process. It held its first meeting on September 16, 1931 and began publishing a magazine called "The Bar Examiner." The early issues of the magazine irrefutably confirm that the purpose of the so-called "good moral character" standards was to promote racial and gender discrimination, along with enhancement of the economic interests of attorneys at the general public's expense.

The following quotes from the NCBE's "Bar Examiner" magazine were presented at length in the first part of this book published in 2002. They are so important since they reveal the true intent of State Bar admission committees, that they warrant repeating here. These quotes expose the "Real Essence" of the State Bars, in stark contrast to its purported benevolent "Nominal Essence." They function as conclusive evidence of the discriminatory intent of State Bar admission committees. Many of these quotes could, just as easily have been written by the German Judiciary in Nazi Germany.

"The voice of the clan, the force of its dictates, is strong in every situation in life. When an individual lawyer struggled with an ethical question . . . the picture of how the group demanded that . . . question should be answered had to be dealt with. . . .The struggle itself was a protection to the group. It retarded the formation of anti-group habits. . . .But in order to insure that the struggle would take place the group idea had to be kept alive and active in the mind of each lawyer. It was kept alive by his being made to feel that he "belonged." Only through membership in it could he become part owner in the economically valuable franchise. . . . Thus, when group consciousness is strong the ordinary lawyer can not easily separate ideal values from economic values." [138]

IDEALS AND PROBLEMS FOR A NATIONAL CONFERENCE OF BAR EXAMINERS, Bar Examiner, November 1931 (Pages 4-17)

"In performing his duties, the bar examiner wields vast powers in that . . . he may to some extent determine the destiny of the nation. . . ." [139]

THE FUNCTION OF BAR EXAMINERS, Bar Examiner, Dec. 1931 (Pgs.27-42)

"First, there is the very easy case, the case of the man whose father or uncle has been known to the Board, etc. He, of course is immediately passed. . . .The most difficult question that the County Board has come up against is as to whether they should reject a man because of his appearance, his manner or general surroundings. . . ." [140]

CHARACTER EXAMINATION OF CANDIDATES, Bar Examiner Magazine, January 1932 (Pages 67-70)

". . . the bar should seek to develop a consciousness, permeating its whole membership, that whatever is done primarily concerns it and its welfare. . . ." [141]

LIGHTS AND SHADOWS IN QUALIFICATIONS FOR THE BAR, Address delivered by Albert Harno at second annual meeting of the NCBE October 10, 1932

"If one opportunity among the many that are open to you were to be singled out . . . it is that of regarding yourselves . . . as informed propagandists . . . as ministers, if you like, of the true professional gospel." [142]

THE OPPORTUNITIES OF A BOARD OF BAR EXAMINERS, Bar Examiner Magazine, December 1932 (Pages 31-49)

"You have legal power to make any law school go through the forms of teaching anything that you want." [143]

> THE OPPORTUNITIES OF A BOARD OF BAR EXAMINERS, Bar Examiner Magazine, December 1932 (Pages 31-49)

"But I think that the place to draw social and racial lines of this sort, if anywhere, is at the portals of the bar associations." [144]

> THE OPPORTUNITIES OF A BOARD OF BAR EXAMINERS, Bar Examiner Magazine, December 1932 (Pages 31-49)

". . . there is a solidarity within the profession . . . . Its members address each other as brothers, and adopt for the benefit of the outside world the pretense of a collective obligation. The insinuation is, that immediately upon entrance to this brotherhood, young lawyers will either be found to possess complete capacity, or else . . . be afforded adequate shepherding. . . ." [145]

> LAW SCHOOLS, BAR EXAMINERS AND BAR ASSOCIATIONS, Bar Examiner Magazine, April 1933, (Pages 151-163)

"We do not necessarily have the feeling that we should keep the door partly open . . . for another Lincoln." [146]

> Address by George Baer Appel, Secretary of Pennsylvania Board of Bar Examiners at third annual meeting of NCBE

"I have spoken of the "superiority of lawyers." It is not for the purpose of being facetious. . . . we have a constitutional acceptance of the superiority of lawyers. . . ." [147]

> THE PRIVILEGE OF REEXAMINATION IN PROFESSIONAL LICENSURE, Bar Examiner April 1934 (Pages 123-128)

"In all cases where the candidate is not known personally to one or more members of the character committee. . . inquiries should be directed to all his references and past business connections. . . ." [148]

A STUDY OF CHARACTER EXAMINATION METHODS, By Will Shafroth, Secretary NCBE, Bar Examiner Magazine, July –August 1934 (Pages 195-231)

"It would be possible. . . for a board to decide readily that where there is present such obvious deficiencies as want of directness, shiftiness, evasiveness, bad background and the one hundred and one other things which would satisfy a fair mind that the applicant is not going to make a proper lawyer, to reject him. . . ." [149]

IMPRESSIONS OF TEN YEARS, Bar Examiner Magazine, October 1935 (Pages 467-473)

". . . It would seem to me that in regard to those border-line cases it would be necessary to give the Committee of Bar Examiners an arbitrary discretion, that the Committee. . . should not be required to give any reasons . . . upon which their decision . . . was made. . . ." [150]

COOPERATION WITH LAW SCHOOLS AND THE SUPREME COURT, Bar Examiner Magazine, January 1936 (Pages 37-41)

". . . a person who sought admission to the bar without having enough knowledge to pass a bar examination was not of the good moral character required by the constitution." [151]

INDIANA AND OREGON RAISE STANDARDS, Bar Examiner April 1936 (Pages 95-96)

"If the interviewer . . . has been swindled by some one with a hooked nose, he feels that persons with hooked noses should not be trusted; and if a man of the Jewish race has double-crossed him in the past, he tends to place less confidence in other members of that race." [152]

PSYCHOLOGY POINTS WAY TO NEW CHARACTER TESTS, Bar Examiner, October 1936 (Pages 165-173)

"A proper regard for the public interest must cause the members of our profession grave concern where it is apparent that many lawyers are not making a decent living." [153]

> EDITORIAL, CONDITIONS IN THE PROFESSION, Bar Examiner, Dec.1936 (Pgs.25-28)

". . . an investigation among the applicant's friends, or in the neighborhood in which he lives may disclose that his habits are bad. . . ." [154]

> CHARACTER AND FITNESS, By William James, NCBE Chairman, Bar Examiner, March 1938 (Pages 37-41)

"In the case of an applicant who is the son or other close relative of a reputable member of the . . . Bar . . . not a great deal of examination is required. . . ." [155]

> PRACTICAL OPERATION OF THE PENNSYLVANIA PLAN IN PHILADELPHIA COUNTY, Bar Examiner, March 1939 (Pages 38-44)

"We must not forget that in many parts of the country there still prevails the fallacious and discredited idea that everyone in democratic America has a right to become a lawyer. . . ." [156]

> THE BAR ASSOCIATION STANDARDS and PART-TIME LEGAL EDUCATION, By Charles E. Dunbar, Chairman of the ABA Section of Legal Education, Bar Examiner Magazine, January 1940 (Pages 3-13)

"the proponents of the standards were referred to, in informal conversation among the opposition, as "The Snobs." The opponents, who were impressed with the fact that Abraham Lincoln never went to either law school or college, were classified as "The Coon-Skin Cap Boys." [157]

> MAINTAINING PROGRESS ON THE LEGAL EDUCATION FRONT, By George Morris, Former President ABA, Bar Examiner, October 1944 (Page 49)

"But there is another way in which the bar can more adequately protect itself. . . . by asking the National Conference of Bar Examiners to make an investigation of the student not only at his school but at his home. . . ." [158]

TRADE BARRIERS TO BAR ADMISSIONS, Bar Examiner, January 1945 (Page 10-16)

"Our European brothers went further. Der Feuhrer, in 1935, issued a decree that, for a period of years, no more lawyers should be admitted to practice." [159]

ADDRESS BY THE CHAIRMAN, John Kirkland Clark, Chairman National Conference of Bar Examiners, Bar Examiner Magazine, October 1943 (Page 61-63)

From a perspective of morality, the necessity of lawyers being able to zealously pursue their client's interests, rather than compromising their integrity by supporting the self-serving interests of the State Bars mandates that Strict Scrutiny be applied to Bar admission standards. The legal ground for establishing Strict Scrutiny as the proper standard for review is that the ability for a qualified individual to engage in the practice of law has been held by the U.S. Supreme Court to be a Fundamental Constitutional Right. It is difficult to conceive how any litigant and most particularly criminal defendants could secure their constitutional rights unless competent, brave and zealous individuals are allowed to become their attorneys. The danger of imposing irrational self-serving State Bar attitudes and beliefs upon Bar Applicants as a requirement for admission to practice law is exemplified by the following statements of various Justices on the U.S. Supreme Court.

"In the long history of British criminal jurisprudence, there was only one tribunal that ever adopted a practice of forcing counsel upon an unwilling defendant in a criminal proceeding. The tribunal was the Star Chamber. . . . The Star Chamber not merely allowed, but required, defendants to have counsel. The defendant's answer to an indictment was not accepted unless it was signed by counsel. When counsel refused to sign the answer, for whatever reason, the defendant was considered to have confessed." [160]

Faretta v California, 422 U.S. 806 (1975):

". . . A bar composed of lawyers of good character is a worthy, objective, but it is unnecessary to sacrifice vital freedoms in order to obtain that goal." [161]

> Konigsberg v State Bar of California, 353 U.S. 252 (1957); Justice Black - Lead Opinion

". . . Indeed, if the State's only real interest was, as the majority maintains, in having good men for its Bar, how could it have rejected Konigsberg, who, undeniably and as this Court has already held, has provided overwhelming evidence of his good character? . . .
. . .
The interest in free association at stake here is not merely the personal interest of petitioner in being free from burdens that may be imposed upon him for his past beliefs and associations. It is the interest of all the people in having a society in which no one is intimidated with respect to his beliefs or associations. . . . If every person who wants to be a lawyer is to be required to account for his associations as a prerequisite to admission into the practice of law, the only safe course for those desiring admission would seem to be scrupulously to avoid association with any organization that advocates anything at all somebody might possibly be against, including groups whose activities are constitutionally protected under even the most restricted notion of the First Amendment." [162]

> Konigsberg v State Bar of California, 366 U.S. 36 (1961);
> Justice Black - Dissenting

"I speak of a need to remind the bar of its traditions and to keep alive the spirit of dignified but determined advocacy and opposition. This is not only for the good of the bar, of course, but also because of what the bar means to American republican government. The bar, when it exercises self-control, is in a peculiar position to mediate between popular passions and informed and principled men, thereby upholding republican government. Unless there is this mediation, intelligent and responsible government is unlikely. The bar, furthermore, is in a peculiar position to apply to our daily lives the constitutional principles which nourish for this country its inner life. Unless there is this nourishment, a just and humane people is impossible. The bar is, in short, in a position to train and lead by precept and example the American people." [163]

> Statement of George Anastaplo, As Quoted in In re Anastaplo, 366 U.S. 82 (1961); Justices Black, Warren, Douglas, Brennan - Dissenting

". . . I would think that the important role that lawyers are called upon to play in our society would make it all the more imperative that they not be discriminated against with regard to the basic freedoms that are designed to protect the individual against tyrannical exertion of governmental power. For, in my judgment, one of the great purposes underlying the grant of those freedoms was to give independence to those who must discharge important public responsibilities. The legal profession, with responsibilities as great as those placed upon any group in our society, must have that independence. If it is denied them, they are likely to become nothing more than parrots of the views of whatever group wields govenrmental power at the moment. Wherever that has happened in the world, the lawyer, as properly so called and respected, has ceased to perform the highest duty of his calling and has lost the affection and even the respect of the people." [164]

Cohen v Hurley, 366 U.S. 117 (1961); Justices Black, Warren, and Douglas - Dissenting (Note: Cohen v Hurley was overruled in Spevack v Klein, 385 U.S. 511 (1967) relying on the Cohen Dissent)

". . . I am not at all certain, however, that the legal profession can survive in any form worthy of the respect we want it to have if its internal inter-group conflicts over professional ethics are not rigidly confined by just those "ordinary investigatory and prosecutorial processes" which, though belittled by the majority today, are enshrined in the concepts of equal protection and due process. For if the legal profession can, with the aid of those members of the profession who have become Judges, exclude any member it wishes even though such exclusion could not be accomplished within the limits of the same kind of due process that is accorded to other people, how is any lawyer going to be able to take a position or defend a cause that is likely to incur the displeasure of the Judges or whatever group of his fellow lawyers happens to have authority over him." [165]

Cohen v Hurley, 366 U.S. 117 (1961);
Justices Black, Warren and Douglas - Dissenting

"Once we approve this measure, we sanction a device where men and women in almost any profession or calling can be at least partially regimented behind causes which they oppose. . . . we practically give *carte blanche* to any legislature to put at least professional people into goose-stepping brigades. . . . the First Amendment applies strictures designed to keep our society from becoming moulded into patterns of conformity which satisfy the majority." [166]

Lathrop v Donahue, 367 U.S. 820 (1961); Justice Douglas - Dissenting

"As I have pointed out in another case involving requirements for admission to the Bar, society needs men in the legal profession:

> "like Charles Evan Hughes, Sr. later Mr. Chief Justice Hughes, . . . and John W. Davis . . . men like Lord Erskine, James Otis, Clarence Darrow, and the multitude of others who have dared to speak in defense of causes and clients without regard to personal danger to themselves. The legal profession will lose much of its nobility and its glory if it is not constantly replenished with lawyers like these. To force the Bar to become a group of thoroughly orthodox, time-serving, government-fearing individuals is to humiliate and degrade it." [167]
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> Law Students Civil Rights Research Council v Wadmond, 401 U.S. 154 (1971); Justices Black and Douglas - Dissenting

"We think this Court should not accept for itself a doctrine that conviction of contempt per *se* is ground for disbarment. It formerly held, in an opinion by Mr. Chief Justice Marshall that a lawyer should be admitted to this bar even though, for contempt, he had been disbarred by a federal district court action. . . .
. . .
We do not recall any previous instance, . . . where a lawyer has been disbarred by any court of the United States or of a state merely because he had been convicted of a contempt. But we do know of occasions when members of the bar have been guilty of serious contempt without their standing at the bar being brought into question. It will sufficiently illustrate the point to refer to the tactics of counsel for the defense of William M. Tweed. Those eminent lawyers, deliberately and in concert, made an attack upon the qualifications of Presiding Judge Noah Davis, charging him with bias and prejudice. At the end of that trial, after he had pronounced sentence on Tweed, Judge Davis declared several defense counsel guilty of contempt. Not one of these lawyers, apparently, was subjected to disciplinary proceedings in consequence of that judgment. Among them were Elihu Root, later to become one of the most respected of American lawyer-statesmen, and Willard Barlett, destined to become Chief Judge of the New York Court of Appeals. . . . One of the seniors who participated in the contempt, and certainly one of its chief architects, was David Dudley Field. He later was elected president of the American Bar Association." [168]

> In re Disbarment of Isserman, 345 U.S. 286 (1953); Justices Jackson, Black, Frankfurter, and Douglas - Separate Opinion

There is perhaps no better lawyer to consider than the man named Elihu Root. He was convicted of Contempt of Court. [169] Yet, most remarkably, he was the man most responsible for the rise of the ABA's Section on Legal Education and Bar Admissions, along with its' UPL committee. That is most

incredible. Hypocrisy at its zenith. Elihu Root is the specific individual most responsible for establishment of the State Bar's so-called "good moral character" standard, and yet it is highly questionable whether he would have been able to gain admission into a State bar today. Similarly, Justice Stephen Field of the U.S. Supreme Court was disbarred twice, convicted of contempt, and arrested on a charge of conspiracy to commit murder. [170] U.S. Supreme Court Justice Powell was held in contempt. [171] Justice White was accused of fabricating information in the White Report, which was an account of the sinking of PT-109 commanded by John F. Kennedy in World War II. [172] Attempts were made to impeach Justice Douglas. Justice Black was a member of the KKK prior to becoming a Justice. [174] Justice Warren resigned from the ABA on ideological grounds. [175] Justice Harlan, the staunch supporter of State Bar interests, helped throw a piano out of an office window during a law firm holiday party. [175A] Justice Thurgood Marshall drank booze and gambled regularly. [176] Justice Oliver Wendell Holmes was reprimanded by Harvard University for breaking windows. [177]

The practice of law is positively a Fundamental Constitutional Right. The U.S. Supreme Court opinions and basic principles of the U.S. Constitution coupled with the most rudimentary and basic principles of fairness and justice require it to be recognized as such. So, I suggest that it's about time the State Supreme Court Justices of this nation get on board with the program and stop lying by falsely asserting it's a privilege.

After all, the last thing we need on our State Supreme Courts is a bunch of liars.