

Justice and Law

[Paper No. 7 of the *Nehemiah Papers*]

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Justice is the concept that fairness should prevail. People inherently desire justice. But all too often, justice is practiced as retaliation. Criminals get sent to jail; evil people go to hell; and the poor try to take wealth from the rich. Even the expression “our turn will come” reflects the belief that one’s share of power, money, prestige or anything “owed” is being (unjustly?) denied. Frequently, justice is in the eye of the beholder. And when the beholder’s eye is biased or limited or even totally blind, injustice can prevail.

Therefore, to minimize the cases of conflict over perceived justice, the people in power establish rules. In the olden times of monarchies, kings had the power to determine the definition of justice, often with questionable results. In modern times, dictators have taken the place of kings. In democracies both old and recent, the people or their selected representatives establish a set of laws and a cadre of judges to oversee compliance with those laws.

Laws are formalized rules to govern defined associations of people, typically a nation or state or city or club. America often expounds proudly on its governance by laws. Certainly, reasonable laws are much better than arbitrary *ad hoc* judgments. But there can be great laws, good laws, poor laws, outdated (or irrelevant) laws, and unjust laws. The authority of a body to create a law does not necessarily assure the fairness of that law. For example, England under rule of King George III made a perfectly legal law about taxation on tea to the British colonies. Some citizens willfully broke that law, and we celebrate their actions. Furthermore, the wonderful Constitution of the United States of America was so imperfect that amendments were eventually needed to allow women and Afro-Americans and even the Native Americans the right to vote in their own country. Nelson Mandela spent 27 years in prison for breaking legally enacted laws under Apartheid in South Africa. Powerful people make laws, and it is only natural (but not necessarily fair) that their laws help maintain their view of what is to be allowed.

In today’s America, we have laws (or a lack of laws) about taxes, registration for military service, environmental protection, labor relations, marriages of same-sex partners, and on and on and on. We generally applaud our laws and keep most of them. However, the best thing about laws in America is that its citizens can undertake actions to change any law by adhering to laws for changing laws (which can also be changed). Yes, America is a nation governed by laws, but there is no law that any law cannot be changed lawfully. That is not double talk. It is the only way that America can truly improve itself with fairness as defined by law.

The Currency of Justice and Law is Enforcement

The term “enforcement” brings to mind police officers. Yes, they are important and are generally fair-minded. And of course there are issues of lack of enforcement for a multitude of reasons, including neglect in some troubled neighborhoods (discussed in later Papers). However, for our discussion of the balances among the Five Realms of Power, it is the long-established “system” of enforcement that is more crucial for America than are the individualized enforcers.

Justice is good, but it implies that somebody is a judge or a jury member. Fortunately, laws are made to guide judges and juries in making correct decisions. Unfortunately, both judges and laws are subject to the influence of other powers and forces. And in America, the highest power has frequently been the money of capitalism, and the second highest power has been the government by elected representatives. Forget about the power of faith and prior law and love. Our justice system is severely contorted by the power of money and elected officials. And there lies the problem of justice in America. Money influences elections, and elected representatives make laws that favor those with money.

Do not misunderstand me. I did not say that America is unjust. I love America, in part because we have one of the best countries on Earth in terms of justice. Equal justice for all, under the law. And what is the law? The law provides that anyone can have his or her day in court to present his or her case. That part of American justice is most admirable.

But a day in court does not always result in a satisfactory decision. Perhaps a law is antiquated and imperfect. Perhaps the other side also had a very good point and so a compromise judgment resulted. Perhaps some important evidence was not available (or intentionally withheld by the opposition). Perhaps unusual pressures unrelated to the proceedings affected the judge's mental state. Perhaps the opposition had some undisclosed or unfair or purchased (but not illegal) advantage, such as a masterful and eloquent lawyer. Perhaps something illegal such as jury tampering or bribing the judge was done but not detected. You have had your day in court. But did you get true justice? Most of the time, you probably did. But sometimes, what was legal justice is not actually just or fair or right.

Let's go back to the problem that "Money influences elections, and elected representatives make laws that favor those with money." Because America is essentially a capitalistic nation (with some social moderation as discussed previously), it is logical and appropriate that there are laws that stimulate business and labor and agriculture and science. But there can be many "variations" of such laws. As we might say, "The devil is in the details." Tax cuts or tax increases can disproportionately favor some more than others. Expenditures such as subsidies can favor some more than others. Permissions or denials for actions can favor some more than others. And it is human nature to want to be among the favored. To "want" is basically passive; to "facilitate" or plead or pressure or bribe or threaten is much more active. Activists, also known as lobbyists, are abundant in the realms of American government at all levels. And activist action can certainly bring more results than passive wanting and waiting.

Limiting the influence by lobbyists is a political topic in 2011 and earlier. Let's make sure that tough controls are in place and monitored. I have nothing against lobbying in principle, but much against its oft-unfair practice.

Term Limits

Democracy is wonderful, but not perfect. Perhaps the most serious problem with democracy is its notorious shortsightedness, meaning vision only as far away as the next election. Democratically elected leaders often lack (or will not use) long-term vision necessary for sustained resolve for needed actions. To stay in power, that is, to be re-elected, overshadows concerns that are beyond the next election.

The weakening (and possible destruction) of a true democracy can come from the excessive power of professional politicians, also known as serial-incumbents. [Sort of like serial killers, serial-incumbents do their deed over and over again.] These people are elected time after time after time, which is their primary objective. Their actions during their elected terms are

notably influenced by how each action will impact their re-election. And they respond in large measure to those who most help them get re-elected through the powers of money or influence upon voters in their electoral niche.

Abraham Lincoln was an experienced lawyer, an elected representative in Illinois state government, a ONE-term Illinois representative to the US Congress (meaning two years in Washington), and defeated in his bid to become a US senator. Those were his formal credentials prior to being elected President of the United States of America in 1860. He was never the chief executive of any state or significant business. And yet he exercised his duties in office and became a highly esteemed President. The quality of the person can be more important than the experience.

On the other hand, various US Presidents rose from the ranks of serial-incumbents. Several were very effective; several were quite poor at the job. Numerous were brought to power via established sources of money and influence. Their elections were little more than astute political ventures executed as games of strategy and power.

Politics is the process by which two or more people make decisions that affect anything, including themselves. Politics involves negotiation, compromise, deal making, and decision making. We hope political processes engender good values and proper conduct, but that is neither obligatory nor part of the definition.

A person elected to political office has power. He or she is granted power to represent the people (constituents) who elected him (or her). And power attracts additional powers. People with money and/or influence soon determine whether an elected person already favors or can have their favor affected sufficiently to align with a desired point of view. If favored votes are forthcoming, the elected person has influential support to assist in re-election. Therefore, an incumbent has improved chances to be serially elected. Fifteen elections means thirty years in the US House of Representatives, and a few persons have exceeded that. The serial-incumbents are professional representatives of whatever forces can bring them re-election. I did not say they were representatives of their constituents. They only need their own vote plus fifty percent of those voters who bother to show up on their day of (re-)election.

Imagine an election without any incumbents. A clean slate. A fresh start. The fresh candidates will have already attracted supporters during the campaign, including those with money and the ability to influence. But the candidates cannot utilize an incumbent's powers. I like that idea. Here are a few reasons against term limits, plus comments in response. I use the US House of Representatives as an example.

1. *Incumbents have experience in the workings of the House.* By "workings" do you mean the basic functioning or the deal-making? Basic functions can be learned quickly. Deal-making has connotations that are at least as bad as they might be possibly good.

2. *Incumbents represent their congressional districts better.* Elected persons spend more time in Washington than in their home districts. Certainly a fresh person from that same district knows the current needs and desires of those people as well as an incumbent, especially of an incumbent who has additional interests brought to them by lobbyists and other one-sided influences. Seven US States have only one representative, and the average population per Congressional District is 646,946 persons, so having representatives that come from different towns in the District might yield better representation.

3. *Incumbents know how to bring benefits to their home districts.* If that includes the generally shameful earmarks and pork-barrel appropriations that get tacked onto legislation, then keep the incumbents out of office! Earmark projects basically "buy" votes using Federal funds

to get employment or other benefits for the home district. Such projects should be closely evaluated in terms of national interests, not just slipped in under the cover of other (presumably desired) legislation. There seems to be a marketplace of earmarks in Congress where “I’ll vote for your earmark in exchange for your vote for mine or for some other favor.” Or is it “I won’t reveal your agenda if you don’t reveal mine.” Imagine that! Serial legislators can sell (actually trade) their votes in Congress to obtain help to get re-elected. The elimination of earmarks and pork-barrel legislation would save substantial amounts of money for better use elsewhere.

I have not said that an elected person cannot be elected again. I just said he or she should not be allowed to be elected **to the same position** in continuous sequence. Therefore, after a two-year term and a two-year break, the person could seek the same position. Also, an out-going US Representative could seek election to the US Senate, and then return for election to the House two years later if he/she lost, or six years later if victorious for the Senate. Or the Congressional Representative could run for election as a state representative or state senator or even as a state governor. That would result in a substantially larger pool of people with experience in government and far fewer “obligations” to lobbyists and other purveyors of influence.

We could even think of elected positions as being akin to “service missions” for two years. That might attract more candidates who take a break from being a corporate manager, or a parish minister/priest/rabbi, or a labor organizer, or a school teacher/professor, or a lawyer such as Lincoln. And if they are notably effective at the job of representative governance, they could consider a six-year term as a Senator. But six years in the Senate would be enough. Go back to private life, or run again for the House, or try to be mayor of your town.

Term limits. Yes. Only ONE term in sequence for national and state offices. And that applies to the US presidency also. If the person’s service in office is favorably memorable, he or she should have an excellent chance to be elected again after waiting one electoral cycle. And if the Vice President performs well, he or she should be able to carry on the work of the President who is leaving office. Consider this: One term in office is enough time to do some good, but not enough time to do permanent damage (we hope). Consider our recent Presidents with second terms: Johnson (Vietnam); Nixon (Watergate); Reagan (Iran-Contra); Clinton (Lying under Oath); and G. W. Bush (Iraq). A sequence of different people who can act for the **long-term** well-being of America is needed. It is desperately needed, without delay.

In any election, we will never have perfect candidates. People are not perfect. America survives with the ups and downs of the quality of its Presidents, senators, representatives, and state/local officials. That is life and quite natural. What should be avoided is the serial occupancy of any elected position. New blood is needed at each election. And the ability of special interest groups with money and influence to manipulate favors from serial-incumbents would be thankfully curtailed.

When opponents to these proposed strict term limits start to appear, be sure to check on their past records to see if and how serial-incumbents have provided them with benefits. Expect strong resistance from the serial-incumbents themselves. Expose them and remove them. When America can improve its democracy, then it can govern itself better and also show other democracies how to get fresh representation that is not tainted by long-standing special interest groups. After all, we are speaking of avoiding the decline of America and the World.

This essay is about justice and law. Term limits brings better justice. And term limits are as easy to accomplish as the changing of election law. Easier said than done, yes. But

something that should be done for the well-being of America. Indeed, I am biased against the overly powerful special interest groups and the excessive impact of big money. But after all is said and done, I am seeking to build a Better America and a Better World. Why? Because

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