

I Shot The Sheriff

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First Edition

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to those who work with the law and add legislation
to ensure that the nation is of, by and for the people

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Introduction

I'm not sure when I decided to write a book on the law. I read a great deal so that enabled me to begin this book even though my knowledge of laws is limited. I have no degree in the subject and only took one course in tax law quite a few years ago at Pace University, not far from the city of New York. I've met a few attorneys and utilized their services, mostly in real estate deals. It was either buying or selling a home and I can't recall many closings that I attended. I would rate the lawyers I encountered as average or a bit worse.

The title, *I Shot The Sheriff*, features an action that in most cases is a crime, shooting, an object, a sheriff, who represents the law, and a perpetrator, represented by the subject of the title. The latter might be called an outlaw. This book will talk about each of these as well as a few other related topics. As usual, I learned a great deal from writing this work. They say a little knowledge is a dangerous thing but in this case delving into the law only seemed to bring discouragement. You'll see what I mean shortly.

As citizens, each of us has knowledge of some laws. Our parents instilled in us obedience to their rules, which could lead to trouble if we didn't heed them. In church, the preacher set down a few laws of being a member of the congregation, especially love of God and our fellow man. In school, our failure to follow the rules might result in detention or even expulsion on a permanent basis. When I went to school, if we misbehaved in class, we were not only punished for it by our teacher, but also had to endure more from our parents, relative to our earlier performance. Laws mean each of us pays taxes to the government – that may not be true of corporations. If you reply that your income isn't that much so you don't pay taxes, you've forgotten about the sales tax that you cough up when you shop. Your utility bills and the monthly cable payment give you an opportunity to pay numerous taxes.

Whether we're talking about government, church, family or school, each has precepts that have to be followed. Chapter 1 will start with rules or laws of a system, not unlike any of these four. I'll look at a computer program, which is a small system, rather than concentrating on an order entry system, for example. Every system needs rules and I'll get into why they are necessary and how many.

The next chapter handles the desire for freedom. What better way to do that than consideration of our nation's beginning. The Founding Fathers and their efforts of laying the foundation for

the country couldn't avoid creating laws, especially those found in the Bill of Rights and the Constitution. Rights, laws and responsibilities exist in partnership. Also considered in the chapter is the journey of Lewis and Clark in the early nineteenth century and all their tribulations. It was no typical cross-country trip, but still there were laws that had to be followed.

Chapter 3 discusses our country and its laws, put together as an alliance of the executive, legislative and judicial branches of government. Originally intended to prevent one group from becoming more powerful than another, today it seems like the nation's capital is in a perpetual state of gridlock. This is *accomplished* – probably not the right word here – by partisanship, sequestering, signing statements, the filibuster and the nuclear option. Obviously it's not a pretty picture, but here is a bit of good news: from about the middle of August each year until Labor Day, the Congress doesn't get any less done than in the two months before.

The two chapters that follow mention United States presidents and lawyers. That's in separate chapters even though many presidents have been attorneys. The same can be said of other politicians who serve in Congress. You may not have heard of Gutzon Borglum, the guy who created the presidential memorial in Keystone, South Dakota, so I'll spend a bit of time on him and some of the presidents, especially those on the Mt. Rushmore sculpture.

Chapter 6 is about the Wild West, a time that didn't have laws, or so it appeared. Traveling west to the gold rush was no picnic, whether you came by boat or covered wagon. Once at your destination, you needed to make sure your pistol was loaded. The reason for the word, *wild*, had to do with the gambling halls, saloons and dancing girls – they certainly weren't Rockettes. I'll say a few words about the Pony Express, William F. Cody and Sitting Bull, Butch Cassidy and the Sundance Kid, Frank and Jesse James and the guy who was a thorn in many of their sides, Allan Pinkerton.

The next chapter gets into the work and lives of a few lawyers: William Jennings Bryan, Clarence Darrow and William Kunstler. Kunstler handled many cases *pro bono publico* as did many other attorneys. This practice continues today. Looking at these men of the court and their handling of the law can only convince us that the law is really complicated. You have it right by feeling that guilt or innocence is determined by which of the attorneys does a better job in swaying the jurors. Justice doesn't enter into it many times.

Chapters 8 and 9 touch on good health and immigration, respectively. Each discussion refers back to what documents came out of the late eighteenth century by the colonists in the new world. Smoking, HIPAA, the big gulp, regulations created to hold off corporate pollution all relate to health and are mentioned in the chapter. The chapter on immigration delves more into liberty, the walls built to restrain border crossings, citizenship and contributions of immigrants to the nation over the years.

Chapter 10 looks at the statements, *See you in court* and *You can't fight city Hall*. Big business has quite a few laws, but sometimes companies don't follow them or use any common sense when pertinent issues arise. Laws bring with them whistleblowers, which many are concerned about. Once again I mention signing statements – which goes back further than you think – and the filibuster as well as gerrymandering. We talk about the approval rating of Congress, but it may be more appropriate to refer to it as a disapproval rating. What about laws that may be unethical or immoral?

The next two chapters give a few examples of a small subset of trash bills, which I first mentioned in an earlier chapter. One chapter is about pork barrel projects while the other tackles really dumb laws. I've written a few books on missing intelligence and some of the material there made it into these two chapters. The sad and depressing thing is that as we speak, someone is proposing a bill about bacon or ham while someone else is thinking about a really ridiculous law.

Chapter 13 compares the government created by our Founding Fathers to that of the present day. In ways they're similar, but one has to wonder what Jefferson, Franklin and Washington would think of the Patriot Act and its swift passage into law, the treatment of the Native Americans over the years, the slavery issue – that one is tough since most of those guys owned slaves – and the shameful rating of today's Congress. I'm sure they wouldn't be pleased.

The final chapter is a call for change and involvement. Over the centuries, citizens have done so much to make our nation a better one. This continues today. We have the opportunities. We only need to work for the common good, rather than that of the corporations.

I shot the sheriff is the name of a 1974 song by Eric Patrick Clapton. You can find it on his album, *461 Ocean Boulevard*, but you won't find too many guitar players better than Clapton.

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1. The name game

A few months ago I saw a sign with the words, *Eating Systems*. I know about the mouth method and intravenous feeding, so this must be a new thing. I didn't bother to research it but systems are certainly important and relevant to this book. The one I'd like to discuss is an order entry system (OE) at a corporation. Any other system at any company will be similar to this one. This OE consists of numerous computer programs and a means of running all of these, probably every night. I'll get back to OE shortly, but one of these programs, *ordlist*, creates an order report. The report will be about thirty pages with fifty lines per page, headings and one summary line at the end. That last line gives the number of records read as well as the number of items ordered.

Ordlist will be written in the COBOL language and it will open the order file, read one record at a time and produce an output line with customer name, account number, order number and order quantity. It then reads another record and does the same thing, continuing this process until the last record has been read. All along there is one counter which will keep track of the number of records read as well as another counter which is a sum of the order quantities. After the last record has been processed, including an output line for it, the summary line will be printed, the files closed and the program ended. For *ordlist* to run successfully, two systems have to be accommodated: the rules of the COBOL language as well as those dictated by the business analyst. The latter were listed in the preceding paragraph.

Unless the programmer knows the rules of the language, he won't be able to complete the program. That's like asking a Latin major to teach geography. If he has a good knowledge about COBOL, the programmer won't succeed if he doesn't listen to the analyst for exact specifications. You could say that the laws or rules have to be followed. The program has to be tested, naturally.

OE has the same constraints. There aren't any COBOL rules to follow but there is a control language that needs to be known and its rules adhered to. Each program needs to run successfully but there's a further requirement. All the programs have to work together. If one program defines the order file as having a record length of 300, while another calls for the number of characters in the record as 200, OE probably won't work. It won't work either if the first program defines the order amount in the thirtieth position in the file while the second expects it to be in the fortieth position. OE is a system with rules or laws to be obeyed, but so is *ordlist* or any other program, even if the rules are

different. OE needs to be tested but so does ordlist or any other program that comprises OE.

Testing any program means using data to see that every piece of the program functions the way it's expected to work. It's not a law but a general rule is that if a program takes an hour to write, it will take an hour to test. Two programs that are composed in one day and a week will need one day and one week for testing, respectively. You can figure out how long it will take to test a program that took a month to write. Of course, the time frame could be a bit more or less in each case. The more complicated a program is, the longer it will take to test. The size of a program is another indication of complexity.

A few years ago in the Boston area, I worked with a gentleman name Bill Yu. As consultants, we had to write and modify programs, mostly the latter. Bill referred to the programs as *trash*, for two reasons. First, they were written and thrown into production without sufficient testing. This soon caused problems and modifications to make them work. What was done could be described as a patch. Before long another patch was added. As you can tell, what came out could rightly be called trash. It was called that for another reason. At the time, programs and systems didn't stay around long. They were replaced quite frequently with new ones. This is similar to the PC hardware and software that came out as the twentieth century was winding down. Customers were urged to upgrade their PCs every six months. Maybe it was a year, but it made consumers wonder why the company didn't just wait until the PC was bug-free so PCs would not have to be updated for years rather than months. What do you expect from trash? I'll be bringing that word up again.

Speaking of the PC, the next system or program to consider is Microsoft Word. It's a word processor that enables users to create documents, such as announcements, articles or even a book – exactly what I'm doing here. When I first began in the computer software business, I had to learn various word processors so I could write and change programs. Fortunately, those word processors were really simple. There weren't many options and the process was easy. Anyone who has worked with Microsoft Word knows that it's a really complicated system. A few years ago, I used it to create a flier for a concert in our church. When it was done, someone suggested that I add a faint background, in this case the image of an angel. I wasn't sure how to achieve that but I was told how and I finished the flier with the angel on it. If today, someone asked me to repeat the process, I couldn't do it without

some research. Even then I might not be able to add the background.

Microsoft Word allows you to do so many things – it has a great deal of flexibility. Actually it's way too much, and there are so many different ways of doing things. There must be a hundred different fonts, but if you look at two of those, you may not see much difference between the two. And then you'll see wingdings. What is it used for? What is even more disgusting is that there are actually four different ones. Why not send the dude who came up with any of the four fonts a letter written in wingdings? Start with a one page document that could be a letter of some sort, but then do a few global substitutions such as the letter *q* for each occurrence of the letter, *s*, the letter *z* for the letter *a* and a few more similar changes. Then put the document into a wingding font and send the letter. Do this only if you have nothing better to do, just like those people who come up with some of these fonts.

A few weeks ago, I was working in Word on a book and noticed that the first two lines on page 68 were indented, even though they shouldn't have been. I tried a few things to remedy that but nothing worked. I saved the document and then deleted a paragraph on page 67 and the indents were no longer where they had been. However, they were at the top of the new lines on page 68. I was lucky to handle the problem by creating a new document and doing a great deal of copying from the old.

There are a few good features in Word that writers can use, such as adding page numbers to a book. To start Roman numerals on the first page of the introduction and an Arabic numeral on the first page of chapter one – with no numerals on any page preceding the introduction – you have to break the book into sections. I found this out from a small book I picked up from my first publisher. Unfortunately doing this didn't work, but as usual I used a workaround for the desired result.

Microsoft Word gives you many possibilities, but also too many bugs. The company released the product before it was thoroughly tested and then asked users to contact them about the bugs. They then made changes to eliminate the problems. Some user may have asked for a feature, which would have been nice to have, so that was added in the new release. That may have introduced some new bugs along with those that were still in the software, and more corrections and software releases came out – the marathon continued. This system failed because of the almost unlimited flexibility, which indicated that someone didn't care about laws or rules. Being able to do so many things meant so much complexity that testing all cases was impossible.

A system that doesn't work on one occasion is one that just doesn't work. Any successful system needs rules. If there are too many, it can fail just as well as without laws. In his 2009 book, *Life Without Lawyers: Liberating Americans From Too Much Law*, Philip K. Howard states, *Freedom can be destroyed by tyrants, by lawlessness – and by too much law.*

The solution is to find a happy medium. Even with the right amount of laws, a system or society can have problems. If people ignore the law, there will be a struggle. You can have policemen to see to it that that doesn't happen or if it does, the number of instances of abuse is minimized. If the regulators don't do their job because they're overburdened or understaffed, once more the system will be in danger of collapsing.

Shirley Ellis had a huge hit with the song that's the title of this chapter. It reached the number three spot on the pop charts and number four on the R & B charts in 1964. It involved creating a new lingo based on a few simple rules. The name Roseanne Roseannadanna is said to have come from these rules or a slight variation thereof.

2. Free

In the late eighteenth century, the American colonists weren't very happy about the system that the British government was hanging over their heads. The Americans wanted their freedom and in 1776, the Declaration of Independence was written. The result was the American Revolution, a war that lasted until 1783. The British had all the advantages but their rivals were cunning and courageous. What may have turned the tide was the fact that the colonists had – in an old sports cliché – the home-field advantage, which they desperately needed. They were David against Goliath. Like all wars, it was brutal, especially in the frigid winter months.

Soon afterwards, our Founding Fathers gathered to write the Constitution and Bill of Rights. Those two documents, along with the Declaration of Independence, formed the laws of the new country. For over two hundred years, they seemed to have worked for the nation, despite the various challenges from time to time. Some people felt that since they were written so long ago, these documents could stand some modifications, while others swear that change wasn't really necessary since the writers had a good handle on what was needed in a democracy.

Let's begin with a line from the Declaration, *We hold these truths to be self-evident, that all men are created equal*. When I see the word, *men*, I assume that this applies to both sexes and to everyone, no matter what the color of his or her skin. What if the composers of that one page document actually wanted this to apply to males only? History indicates that the above phrase needed the addition of the words, *as long as they were white males and owned property*. Women and blacks were excluded. After all, there were no Founding Mothers at the Constitutional Congress. We're all aware of Paul Revere, but many don't know of what role women played in notifying the colonists of the arrival of the British. They weren't visiting because of the Tea Party in Boston.

According to the July 2013 issue of the *Hightower Lowdown*, in Patterson, New York, Sybil, the sixteen-year-old daughter of a military commander named Ludington, stepped up and became another messenger just like Revere – and she rode in the rain, covering almost twice as many miles as he did – and alerted the people to the arrival of the Redcoats. There's more at <http://www.hightowerlowdown.org/node/3387#.ie6q8awstmo>.

Looking at the Declaration of Independence, you assume that the phrase *all men are created equal* referred to the right to vote. From the way it was written, either the author got it wrong or

it's been misinterpreted. In February 1870, the Fifteenth Amendment to the Constitution gave everyone the right to vote, as long as you weren't female. That privilege wasn't granted until 1920 when the nineteenth amendment was ratified. Despite the Fifteenth Amendment, some people didn't agree with it so a poll tax was instituted. This reminds me of a joke. Chris, Pat and Rene get to the pearly gates and St. Peter tells Chris that to enter, he has to spell *cat*, which he manages. Pat has to spell *dog*, which she does. Rene thinks to himself that he's home free until St. Peter asks him to spell *chrysanthemum*.

The poll tax wasn't exactly like that; you just had to make a small payment. As you can tell, poorer people couldn't come up with the cash, so they couldn't vote. It wasn't until the Civil Rights Movement that any person of a certain age could vote. The poll tax was abolished, but then the issue came up again. A few people objected once more. As a result, a prospective voter had to answer a question or two. If you had light skin, they weren't difficult. If you were a person of color, it might be to list all the names of survivors of the Titanic. The poll tax may not have been back, but it might just as well have been.

Returning to the end of the Revolutionary War, freedom may have been won, but things were tough. It was difficult to pay for the war, as revenues were hard to find. The colonists may have won the war, but that wouldn't have mattered. Somehow, our Founding Fathers managed.

During Jefferson's time in office, he managed to double the size of the country, expanding it westward, with the Louisiana Purchase in 1803. Over eight hundred thousand acres cost fifty million francs or around eleven million dollars. I wonder where he found the money for it. Broken down, it cost less than three cents an acre, not a bad deal at all. There were critics of the purchase, since there weren't any provisions in the Constitution for acquiring land. The sale was made anyway.

Before long the third president of the United States sent Meriwether Lewis and William Clark to explore the vast stretch of land. Known as the Corps of Discovery, the explorers, thirty-three in all, faced dangers of all kinds from the weather, wild animals and hazards of crossing the mountains and traveling down the rivers. With a departure point of St. Louis, Missouri, the trip began in May 1804 and the Corps returned home in September 1806. They collected specimens of some of the animals as well as plants and copious notes. Amazingly, only one person perished. The Lewis and Clark team met Native Americans coming and

returning, but the latter treated the entourage with respect. Sadly, this attitude was not always given to the Indians.

In his 1997 documentary, *Lewis & Clark: The Journey Of The Corps Of Discovery*, Ken Burns has done another masterful job of chronicling that hazardous trip to find the Northwest Passage. From one series to the next, we expect great things from Burns and he delivers. Dayton Duncan's book of the same year, *Lewis & Clark: An Illustrated History* is the companion guide to that adventure. Duncan also published another book in 2004, *Scenes Of Visionary Enchantment: Reflections On Lewis And Clark*. He also contributed in a big way to the Burns' production.

Since the land that doubled the size of the country was indeed the United States, the newly formed laws applied to that area just as it did to the eastern part of the nation. During the Lewis and Clark Expedition, anyone who failed to conform was given fifty lashes on the back. This worked well, except that the punishment was administered for some time – it seemed that some just didn't learn from it. One day the whip came out but the leaders decided not to go forth with the fifty lashes. From that point on, this show of compassion changed things dramatically.

At the start of the journey, everyone got along with a great deal of respect until an incident occurred that really bonded the crew. They came to a divide and weren't sure which branch of the river to take. The Captains wished to proceed south while the others thought the northern branch was the way to proceed. Rather than split up the group and waste time in doing so, Clark and Lewis went left while the others waited behind. They soon saw that they were right and went back for the others. Being right reassured the rest of the explorers and also increased their respect for Lewis and Clark.

Many times during the duration of the journey luck came their way. On reaching the Continental Divide, there was much exhilaration, but that changed quickly when Lewis noticed that one mountain range after another loomed in their path. They would need horses to proceed and the Shosone may have been able to help out, if they could find them. They waited and waited until one day the Native Americans arrived. The latter weren't sure of the trustworthiness of the expedition and hesitated. It wasn't until Sacagawea arrived that the Shosone thought that they may have misjudged Lewis and Clark. When the only woman of the group discovered that the chief was her brother, the horses became available.

Eventually the Corps of Discovery saw the Pacific, but winter was approaching so they had to settle there for those few

months. Lewis and Clark had a few choices where to build shelter but decided to let the group decide. Each man – and one woman, of course – had a vote. I think that Sacagawea’s husband didn’t vote. This was true democracy in action. York, the only African-American in the crew, and Sacagawea, who was a Native American and a woman besides, had a hand in making the decision.

The Corps of Discovery exhibited signs of what the United States could be. It could not have succeeded without the help of various tribes of Native Americans. They provided food, directions and suggestions and got along well with Lewis and Clark and their mission. In return, the Americans treated the people who had been on the continent before the colonists had arrived, with great respect. Sadly, the years that followed didn’t continue that tradition.

The signers of the revolutionary documents had as much concern for the Native Americans as they did for women and people of color. This was evident as the colonists mistreated and killed those who had been here before them in their quest for more land. It was quite a long period of time when the new nation established treaties with the natives and then broke them; took away their land; forced them to move somewhere else; mistreated and massacred them.

The cotton plantations were a somewhat different story, but once again the victims were people of color. They did all the work for the master only to be subjected to long hours, brutal work, harsh living conditions and little if any remuneration. Slavery was supposed to end when the war ended, but Reconstruction didn’t bring it about. As the nineteenth century came to a close, the peculiar institution hadn’t vanished. The twentieth century hasn’t ridden the world of slavery and it’s still here today. All you need to do is consider the assembly lines in the meatpacking plants, the workers in the coalmines, and the sweatshops around the world, including those in the United States, to see examples. How can you classify the workers in restaurants and numerous other jobs in corporate America something other than slaves? Their pay is better than that of servant labor, but certainly not much.

The need to expand the boundary of the country brings up a good issue. When does the quest end? If it doesn’t end, the result is imperialism, a practice by quite a few nations. As far as treatment of people of color in the country, this shows a lack of respect for other groups or nations and their laws. When this happens, it’s no wonder that the same feeling is applied to the citizens of the United States.

The Revolutionary War brought freedom, but not for everyone. The law may have been established but some people didn't reap the benefits. It may not have been a law, but one saying has been around for quite a while: *the enemy of your enemy is your friend*. The colonists fought the people of France in the Seven Years' War (1754–1763). Doing the subtraction, I can't come up with a duration of seven years for this struggle, which was also called the French and Indian War. The British supported the colonies, but not much after that the two countries were at war, with the French coming to the aid of the Founding Fathers and company. Right off the bat this enemy / friend thought was shot down – it's not a law. In the two and a half centuries since that time, it hasn't been proven either. Whoever came up with *the enemy of your enemy is your friend* is full of hot air.

Right along with freedom comes rights. One is that of speech. Just because you can say anything you want doesn't mean that you should. Since rights apply to more than one individual, the others have rights as well as the speaker. The latter shouldn't utter something that will offend the former. Nonetheless, we see this happening many times. The great cerebral comic Gallagher mentioned that the right to free speech doesn't say anything about volume. If you've been at any mass demonstration where there have been people against as well as for an issue, you realize that many took Gallagher's thoughts to heart. Nothing was accomplished.

Experience has taught that you can pass a complement to some person and she can feel that it was an insult. In some of the reviews of my books, critics – not professional ones – got on my case because I mentioned the efforts of some well-known person. This could have applied to a guy on the left or right. It comes down to a realization that maybe you shouldn't say anything at all. What does that do to the right to free speech?

Freedom of religion means that citizens are allowed to practice any religion they choose, even none at all. When a person goes ahead and does this but then denies someone else the same right to practice a different religion, an imbalance is created. This has happened in the United States at times and can even be seen in the year 2013. Other countries witness this abuse on a grander scale, but they're not democracies. When the Founders set down the law two hundred years ago, there was an important provision for separation of church and state. A few people want to remove this distinction, but they fail to realize that by doing this, the idea of freedom of religion might disappear completely.

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