



Chapter 16 - Rules that get Broken

From what I can tell so far, there are three types of rules. The first type of rules provides some ethical certainty that a game is fair; the score is generally kept by points and the rules tend to favor those with the greatest *courage*, aptitude, and ambition.

The second type of rules provides some ethical certainty that the game is unfair. The score here is generally kept by money, wealth, or power and the rules tend to favor those with the greatest *greed*, aptitude, and ambition.

The third type of rules provides some certainty that the game is less concerned with fairness, and more concerned with safety and well-being. The score is kept in blood, deprivation, or damage, the rules tend to benefit those ‘*with the greatest desire to play by the rules*,’ and these rules might favor those with more normal aptitudes or ambitions.

Within each of these three types of rules, I can see more distinctions of (1) made-up rules; (2) non-obvious rules; and (3) when all else fails, playing outside of the rules (cheating). Cheating is another way to make courage, aptitude, and ambition less relevant because cheating ignores ethical certainty.

Sporting games are notoriously advertised as being fair to its players, while the players of lotteries and casino games are notoriously advised that these are unfair games; these contrast the game of following laws, ordinances, and regulations when being law-abiding is

one of the few games that is supposed to have more winners than losers.

I learn that freedom is more powerful than money by my being a bail bondsman and hearing the wealthy people in jail – for that matter I hear from many others in jail who are willing to permanently part with money for even temporary freedom...it is rare for the opposite trade to happen, that anyone will part with his or her freedom for anything less than substantial amounts of money.

As an online video games player, I see people cheat to gratify themselves (at the price of their personal integrity) just to be able to manipulate screen pixels better than other online players – maybe there is an encouragement by hiding accountability in the anonymous nature in playing online. As a law student, I learn from the matter of U. S. v. Singleton (165 F.3d 1297, January 8, 1999) that cheating can be legitimized in spite of the very serious consequence of losing one's freedom, much less losing one's life.

The Singleton case law asks the Tenth Circuit Court of Appeals the question of whether someone facing reduced jail time is more likely to testify like a politician, an online game player, an athlete, or a saint. The Court's endgame disregards this starting question entirely, by examining only the packaging instead of the package contents (in judging a book by its cover). The appellate judges in Singleton focus mainly on the words 'Whomever' and 'Whoever' in deciding that a government can't be deemed either who or when it comes to doling out bribes for testimony that aims to dispel all reasonable doubt.

The official law against bribing a witness is found at 18 U.S.C. § 201(c)(2) which clearly states that offering or giving anything of value to a witness is illegal. The court's question, regarding the value of freedom (compared to the value of integrity), is short-circuited by their signifying that a government actually can give things of value away for some testimony that may not otherwise be uttered; that state and the federal government prosecutors are sovereigns immune from being the 'whoever' or 'whomever' in any statute, and regardless that 18

U.S.C. is named “*Crimes and Criminal Procedures of the United States Code.*”

This decision bodes well for people who otherwise demonstrate the low integrity of being criminal accomplices themselves – or for those willing to exchange their versions of truthful testimony for a pass to commit many other crimes with the 'whoever' word buried inside of 18 U.S.C., including 18 U.S.C. § 793 - Transmission or mistreatment of national defense documents; 18 U.S.C. § 1584 - Involuntary servitude in slavery; and even 18 U.S.C. § 1591 - Sex trafficking of children.

To be fair, not every judge of the en banc twelve-member panel deciding Silverton’s fate, rules against Silverton; one-quarter of this process feel there should be a “*fundamental policy of ensuring a level playing field between government and defendant in a criminal case;*” these three judges might be demonstrating more balance with the appropriate weight for each piece of evidence provided (weighing differently those scores kept in points, dollars, or blood).

My take on all of this is that: having more people being subject to a set of rules, requires that more caution should be added to the rulemaking process; that each bit of caution added needs to benefit the rule-makers only if the rule-makers are going to be held responsible.

I am pretty sure that the best approach to having rules that benefit the house is to make sure that people know how and why the house rules are unfair, and I am equally sure that this approach is largely ignored, to either avoid having too many necessary but uncomfortable conversations, or to just short-cut some steps to selfishly get one's own way.