

US Government: 'Corruption for me, but not for thee'



There should have been no reason for me to take anything concerning Trump personally. He is a bright star shining somewhere out there in the high firmament of our society; I am but an insignificant lump of human clay crawling at the base of it. And yet the opening paragraph of the *New York Times*' report titled "[N.Y. Attorney General Outlines Pattern of Possible Fraud at Trump Business](#)" enraged me and made my blood boil as if it was a personal, heartfelt matter.

Because it was, though my name was not mentioned anywhere in it: "The New York State attorney general, Letitia James, accused Donald J. Trump's family business late Tuesday of repeatedly misrepresenting the value of its assets to bolster its bottom line, saying in court papers that the company had

engaged in “fraudulent or misleading” practices.”

It felt personal not because Trump engaged in “fraudulent or misleading” practices’ against me, the article rubbing salt into old wounds. There was salt – plenty of it, and there were wounds – but it was not Trump who caused those wounds or who rubbed the salt in – but the people of the other side, the government that, so to speak, “misrepresented the value of my assets” and “had engaged in “fraudulent or misleading” practices.”

The part of the government that “repeatedly misrepresented the value of my assets to bolster its position” was the federal judiciary; and the “assets,” the value of which were “misrepresented,” was the argument that my lawyer presented in court proving that in limiting some of its key services to the corporate publishers in brazen display of crony capitalism, the government violated my free speech, and property rights when I tried to publish my book.

In one court (the Court of Federal Claims), the judge “misrepresented” government’s argument by acting as the government’s de-facto lawyer and writing up the argument of his own concoction for the government right in his decision, and, naturally, deciding the case for his own argument; in the other court (the Eastern District court of New York) the judge “misrepresented” – by re-writing it in his decision – my lawyer’s argument and replacing it with a thoroughly dumb one, acting as my de-facto lawyer.

Appeals did not help, and seeing such judicial practice as “fraudulent or misleading” I sued judges themselves. The government argued, in *Tsitrin v Lettow*, that in *Pierson v. Ray* judges gave themselves the right to act from the bench “maliciously and corruptly”; and the judges ruled that judicial misrepresentation of parties’ argument and replacement of it with judges’ own is a “a classic exercise of the judicial function” (as per Judge Garaufis’ decision in *Tsitrin v Vitaliano*), or, as Judge Naomi Reice Buchwald put it in *Tsitrin v. Jacobs, Katzmann and Livingston* ““Indeed, Judge Vitaliano’s and the Circuit Panel’s decisions and the

processes giving rise thereto are paradigmatic examples of actions taken in the official capacities of judicial officers.”

So to the judges, “misrepresenting the values” resulting in “fraudulent or misleading” practices is business as usual – they are “classic,” “paradigmatic” instances of “corruption and malice” to which judges have entitled themselves in *Pierson v. Ray*.

And yet, aren’t judges touted as the most upstanding members of society, whose civic virtue should therefore be emulated by all?

If so, what should we make of Trump’s practices? Suppose Trump indeed “repeatedly misrepresented the value of its [business] assets to bolster its bottom line,” and “the company had engaged in “fraudulent or misleading” practices” as “the New York State attorney general, Letitia James, accused Donald J. Trump’s family business” of doing. What of that? Did Trump do anything that federal judges don’t do?

And if so, given that judges’ civics are to be emulated, didn’t Trump do precisely that? And, proceeding further in a strictly logical fashion, what is wrong with what Trump did? Trump did what federal judges routinely do right from the bench; and judges are the most upstanding members of our community – from which it follows, with inexorable logic, that Trump’s actions were those of an upstanding citizen. Case closed, New York State attorney general Letitia James.

What goes around comes around. If “fraudulent or misleading” practices’ are to be outlawed, let’s do it – but let’s do it not selectively, but consistently, not by giving the right to act “maliciously and corruptly” to some – the judges, while denying it to others – the private citizens. Hypocrisy that is on full display in hounding of Trump is what understandably enrages people. This is what rubbed salt into my wounds. This is why so many are so unhappy with the present course of our country. Hypocrisy needs to end. “Corruption for me but not for thee” is not a viable (leave alone honest) policy to follow..

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