

DELUSION AND DYSFUNCTION IN THE STATEHOUSE

How It Impacts the Legal Profession

What to Do About It

by

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1. Delusions Are Widespread in the Legislature
 - The voices in my head are real
 - The news is fake and social media is real
 - Things that haven't happened and are unlikely to happen must be fought with the greatest vigor
 - Anger is a loyalty test
 - Anarchy is an organizing principle
 - Because we are legislators, we know how to be legislators
 - The purpose of being a legislator is to be a legislator and to be reelected
 - Those competent to govern endanger freedom
 - Delusion is just another point of view
 - Delusional people are entitled to delusional representation
 - Rationality can compromise with delusion
 - Delusion can be controlled, appeased, compromised with
 - The left-right political spectrum matters
 - Democratic republicanism is how the state and federal governments function
 - Character doesn't matter, or bad character is the hallmark of a freedom fighter
 - Ideology is a more sound basis for governing than interests
2. The Legal Profession Is Central to Liberty and Government
 - Judges and lawyers protect the legal and constitutional rights of the people from transgressions by the government and others
 - Lawmaking is a shared legislative and judicial function
 - Law and government are being delegitimized
3. Lawyers should
 - Recognize their obligations to their communities, state and nation
 - Recognize their outsized ability to positively influence society, politics and government
 - Be educated about politics and government
 - Approach politics and government in both a personal and professional manner
4. The Law's Foundation Is Power
5. The Nature of Power
 - It's both the pen and the sword
 - It coerces compliance and allocates resources amongst the governed
 - To use it justly and effectively requires competence and a strong moral compass
 - A democratic republic that does not justly and effectively use power will succumb to authoritarianism or worse
 - It's effective use requires strong leadership
6. Leadership Requires
 - Strong character, internal fortitude, training and experience
 - The rejection of appeasement

- A refusal to compromise basic democratic republican principles
7. A democratic republic needs a population that is
- Literate and informed
 - Educated on politics, government and current events
 - Exposed to serious journalism
 - Aware that 80% of us agree on 80% of political issues (even though we often disagree about the bumper sticker messaging paid political consultants attach to issues)
 - Aware that those making money in politics want us polarized
 - Willing to fight and die for democratic republican principles
 - Invested in the rule of law and in justice
 - Focused on needs more than wants
 - Well led
8. Legislators and Other Public Officials Must Be
- Of strong character (politics needs to involve less manipulation and lying)
 - Ethical
 - Knowledgeable
 - Competent
 - Skilled
 - More willing to lose, and risk losing, elections
 - Aware that many political disagreements are now more for show than real
9. Legislators Should
- Represent their constituents' interests while using their own judgement about how to best do so
 - Act in the interests of their communities, states and the nation
 - Freely compromise competing interests while adhering to their own basic principles
10. What to Do
- Eschew the politics of wants and its outgrowths of delusion and extremism
 - Start meeting peoples' needs
 - Jungle primaries and rank choice voting
 - Break the control over politics held by those who make money on it
 - The sensible middle of the political spectrum needs to step up, volunteer in government and run for office; their employers need to encourage this and ethically and legally support those who do
 - Encourage ordinary people to join civics study groups (the secular equivalent to prayer groups)
 - Moderate Republicans and Democrats need to start working together on political processes and reorienting politics from narrow ideologies to interests and needs
 - There can be no compromise with extremists and the delusional
 - We must become much better at justly using power to protect democratic republicanism