

The Constitution of the United States of America grants every citizen equal protection under the law. Because of this, law and the legal system should exist as a means of achieving this equality; thus, the purpose of law should be to provide individuals with impartial and objective judgment. However, this sense of equality is not always granted and, as a result, law and the legal system only work in certain situations. For instance, law operates effectively in situations where there is an equal balance of power, money, and skills. Conversely, law becomes clouded when an uneven balance of these resources overshadow its pursuits of equality. This unequal distribution of power also serves to influence the making of laws in order to keep the elite in power and to control all others.

Thesis

Throughout his paper "The 'Fight' Theory Versus the 'Truth' Theory," Jerome Frank argues that the legal system often distorts the truth. He states, "The just settlement of disputes demands a legal system in which the courts can and do strive tirelessly to get as close...to the actual facts..." (Frank 355). Furthermore, Frank contests that crucial evidence is covered up and discredited by skilled lawyers in order to shut out facts that might damage their case. If a party does not have an experienced lawyer or the funds to conduct a pre-trial investigation, then they have essentially lost the trial (Frank 353-354). His arguments relate to the aforementioned idea that law loses its sense of equality when overshadowed by money, skills, and power. Individuals who lack money do not have equal protection under the law because of their inability to purchase lawyers who know how to play the game. Law, according to Frank, does not render truth but acts as an arena where the use of tactics and traps win cases (Frank 353).

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Clarence Darrow claims that crime can be eliminated if people are given a chance to live (217). Throughout his paper, "Address to the Prisoners in the Cook County Jail,"

✓ Darrow exposes the inequality that exists in America's legal system due to the interests of the men who rule the world. These men seek to make laws that protect what they have which, ultimately, is responsible for the incarceration of poor citizens (Darrow 216).

Darrow's views are consistent with the idea that an unequal balance of power blocks laws' ability to provide equality. His paper stresses that criminal law is a question of money and legislation. If the poor had money, they would not commit crime because they would have all life's necessities. Likewise, if the poor had money they would not be in jail

✓ because they could afford skilled lawyers to exonerate them (Darrow 214,216).

Furthermore, legislation plays a crucial role in criminal law because members make the laws. These members are bribed and influenced by those with money and power to make greedy and suppressive rules (Darrow 213). Thus, power and money override law's utopian function of providing equality. ✓

transition → "The Not-so-quiet Revolution," by Philip Corboy discusses the tort reform as a corrupt public relations scam (458). Led by businesses and insurance advocates and aided by a republican administration, the tort reform was nothing more than a way to transform the insurance crisis into a lawsuit crisis (Corboy 458). This corresponds to the

✓ thought that power and money do not allow law to grant equality. For instance, the tort reform was created in order to keep people from bringing claims against big business. It was a sly technique on the part of businessmen. If they convinced the public that lawsuits were responsible for their high premiums and limited coverage, then the public

would discourage these cases. Unfortunately, the public was being played and many people lost the opportunity to gain equal protection under the law by means of lawsuits. ✓

In continuing with the theme of tort reform, "Java Jive" emphasized the notion that legality and law are constructed by institutional arrangements and power relations (48). Because Stella Liebeck brought a lawsuit against McDonald's, she was labeled by the media as a greedy individual who was only suing for the money ("Java Jive" 36). ✓

The public was not made aware of the hardships, pain, and financial stress that Stella had to endure due to the third degree burns she suffered from too hot coffee ("Java Jive" 28).

It is clear to see that power relations of big business and the Republican administration influenced the way the case was portrayed by the media in order to elicit a desired response from the public. The elite swayed the media to play down Stella's injuries and

✓ increase her individual responsibility; thus, they sent a message that these types of lawsuits were absurd ("Java Jive" 34-36). Although Stella did win the case, her victory was bitter sweet. She became the "poster lady" for tort reform and aided the elite in their ✓ pursuit to reduce lawsuits ("Java Jive" 43). Stella was granted equality, however, her case enabled the "haves" to prevent future individuals from attaining law's promise. | Important point

The Greensboro Massacre is the epitome of inequality within the legal system due to unbalanced power and bias. This travesty took place when ~~K~~ ← Klan members opened fire on a CWP non-violent march, resulting in the death of five and the injury of three (Bermanzohn 49). The resulting three cases: state criminal case, federal civil rights case, and civil case were full of bias and lopsided power relations. Foremost, the CWP were communist in an area that was anti-communist; thus, most people wanted them to lose, including the district attorney, the judge, and the jury. Likewise, the jury was selected in

spell out

+ Nazis

favor of the defense and the Klan members were acquitted in both criminal cases (Bermansohn 59, 65). Although seven Klan members, the Greensboro police, the FBI, and the ATF were found liable in the civil case, the legal system failed to provide equality (Bermansohn 71). The Klan members committed murder, the most vicious crime, yet they never spent one day in jail. Just because an area is biased against communists does not mean that killing them is acceptable. The law should protect all equally and fairly, however, the law left the victims dry. Justice was not served.

“Do Not Pass Go,” by Jerome S. Bruner is a modern day “Address to the Prisoners in the Cook County Jail.” Where Darrow deals with the issue of imprisonment as a means of social control, Bruner adds to this argument by including racism as a factor for increased incarceration (129-130). Bruner states, “Academic criminology even accused itself of having fallen prey to a hegemonic system for victimizing the poor, the weak, minorities” (132). Everything is political. The “get tough on crime” trends or the “war against drugs” is politicians’ way of gaining votes with the malleable public. If the media is delivering stories of rampant crime, people are going to find solace with politicians who offer these tough policies. This relates to the idea that law can not provide equality when power and money have such immense influences. The “haves” essentially make the laws which suppress the poor and minorities. For example, crack cocaine is rampant in ghettos and low-income areas and, not surprisingly, has a more severe sentence than powder cocaine which is used mostly by upper-income individuals.

Although law does provide equality in situations where there is an equal balance of power, skills, and money, these conditions are rare. A majority of legal disputes involve the underprivileged trying to take on an unfair and biased system that does not

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render equality. The law and the legal system will remain ineffective so long as the  
interests of the elite are always served and the interests of the non-elite are always  
✓ silenced.

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