

# JURISPRUDENZ AND THE AMERICAN ELITE

## Bye . . . Bye . . . Miss American Pie

by Edward Ziegler

In 1956, at approximately the same time Elvis Presley recordings were climbing the record charts, a book by C. Wright Mills entitled, *THE POWER ELITE* made its appearance on bookstands across the country. Judging by immediate impact on the social milieu, *THE POWER ELITE* was a dismal failure in comparison with Presley's importation of what Norman Mailer labeled "small town Southern orgasm".

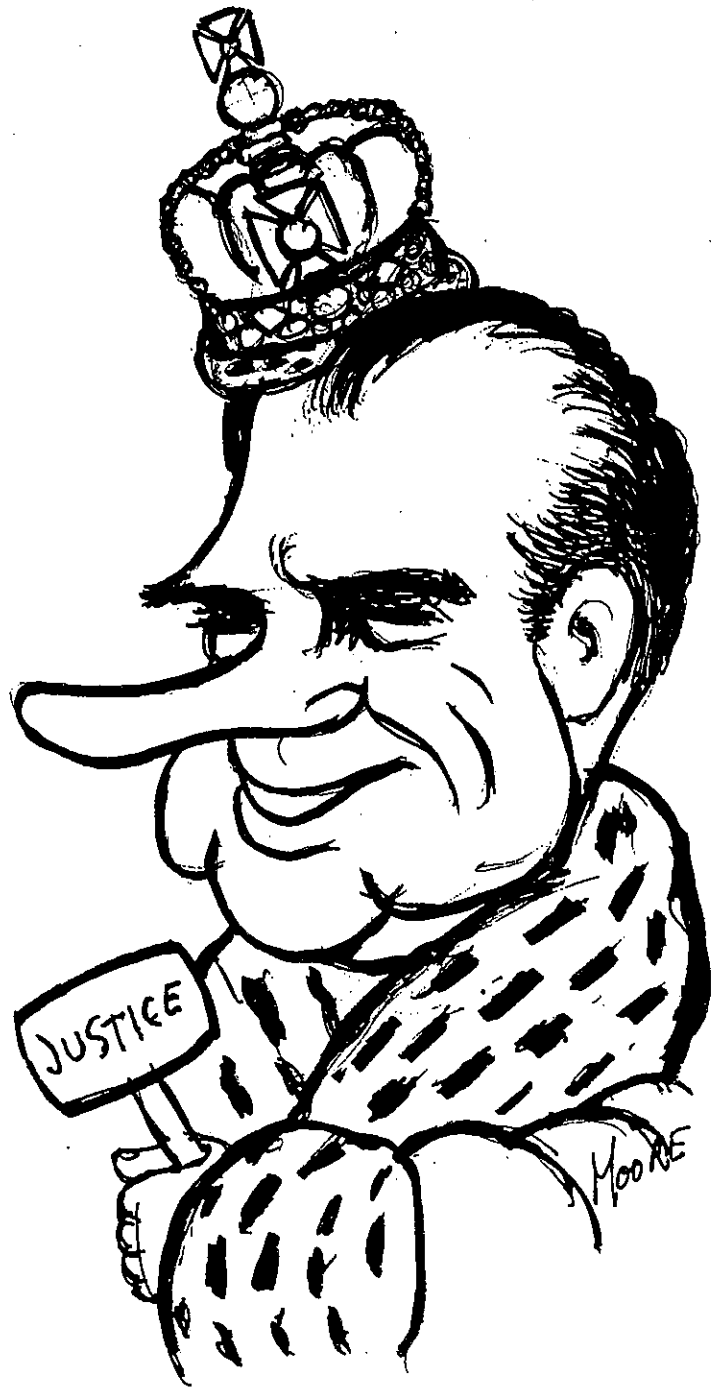
That *THE POWER ELITE* is now a standard sociological text indicates that it was a book fifteen years ahead of its time. Ahead of its time though, not in the substantive truth of its content, but in that the book failed to produce the effect Mills had hoped for.

Events in recent years, however, have more than attested to the truth of Mills' attack on America's ruling regime. *THE POWER ELITE*, perhaps more than any other post-war commentary, stands out today as the classic indictment of America's power holders and of the institutions in which they operate. It may be fruitful then to reflect upon a few of C. Wright Mills' statements taken from his concluding chapter in *THE POWER ELITE* entitled, "The Higher Immorality" to fully comprehend the significance of how recent events and present developments in the United States tragically document Mills' earlier propositions.

*Item:* As the conflict in Southeast Asia gradually escalated the minority protest of earlier years steadily evolved into mass resistance. Under pressure, the captain of America's ship stepped down while another, promising to set right the wrongs of yesteryear, took his place. Yet, even under the present administration more bombs have been dropped on Laos alone than were dropped on Germany during all of World War II. The present captain of America's ship, although skilled in the subterfuge of deceptive maneuvers, is unable to hide the fact that in outright opposition to the mandate of the American people, the nation still proceeds along its former course.

Consider Mills' passage from *THE POWER ELITE*, which seems prophetic of the American dream turning American nightmare.

*"It is not the barbarous irrationality of our primitives that is the American danger; it is the respected judgments of Secretaries of State, the earnest platitudes of Presidents, the fearful self-righteousness of sincere young politicians*



from sunny California . . . they have replaced respect for public debate with unshrewd notions of psychological warfare, intellectual ability with agility of the sound, mediocre judgment; the capacity to elaborate alternatives and gauge their consequences with the executive stance."

*Item:* Mills again armed with little more than the crystal ball of common sense, accurately predicted the development in America of what Marcuse has recently described as the "language of countersense." That is the systematic stripping of meaning and substance from words by the political linguists in their attempt to rationalize and define events for purposes of political accommodation. Examples of which are the usual reports in the media of "heavy fighting in a demilitarized zone" or of "persons being injured in a nonviolent demonstration." A classic example is the present administration's adamant refusal to call the heavy bombing of North Vietnam "the heavy bombing of North Vietnam" as it insists on defining these air missions as "reinforced protective reaction strikes." Indeed the psychological contradictions inherent in America's political rhetoric lead to what Mailer pointed out to be virtually perfect Orwellian ambivalences—(War is Peace, Love is Hate, Ignorance is Knowledge.) With every election year's "impending doom" and "patriotic crisis" one can expect whole chapters to be written, compiled, and unconsciously absorbed into the Psychopathic Desk Encyclopedia of America.

"The political elite . . . are crackpot realists: in the name of realism they have constructed a reality all their own . . . they have replaced the responsible interpretation of events by a mere maze of public relations."

*Item:* The political and legal processes operating at the highest levels of the United States government were a shock to many when recently exposed by the "Pentagon Papers." As the statement below illustrates, Mills, years ago, was aware of both the processes involved and their tragic consequences.

"As the decisions become more fateful not only for Americans but literally for mankind, the sources of information are closed up, and the relevant facts needed for decisions (even the decisions made!) are as politically convenient 'official secrets,' withheld from the heavily laden channels of information."

*Item:* the sense of hopelessness which people felt upon the death of Robert Kennedy and Martin Luther King, Jr. constitutes a poignant example of how this country's citizenry has placed its hope in the leaders who promise to "make the system work," rather than placing any trust in the "system" itself. It indicates a phenomenon that not only points out the alienation of a citizenry from its government but presents serious implications regarding the possibilities of political change in the United States. Erickson's later analysis of this societal condition has since

added a sour psychological twist to Mills' sociological martini. As Mills observed:

"The American elite is not composed of representative men whose conduct and character constitute models for American imitation and aspiration. There is no set of men with whom members of the mass public can rightfully and gladly identify. In this fundamental sense, America is indeed without leaders. Yet such is the nature of the mass public's morally cynical and politically unspecified distrust that it is readily drained off without real political effect. That this is so, after the men and events of the last thirty years, is further proof of the extreme difficulty of finding and of using in America today the political means of sanity for morally sane objectives."

*Item:* Present discussion concerning political campaign spending and equalization of television time implies what has been the case for years in American politics. In the United States public office is bought.

In *THE POWER ELITE*, Mills aptly described the American electoral process as one where:

"Those who sit in the seats of the high and the mighty are selected and formed by the means of power, the source of wealth, the mechanics of celebrity, which prevail in their society. They are not men selected and formed by civil service that is linked with the world of knowledge and sensibility. They are not men shaped by nationally responsible parties that debate openly and clearly the issues this nation now so unintelligently confronts. They are not men held in responsible check by a plurality of voluntary associations which connect debating publics with the pinnacles of decision. Commanders of power unequalled in human history, they have succeeded within the American system of organized irresponsibility."

Although now heralded as one of the more scholarly achievements of that decade, the establishmentarians at the time merely extended Mills their "grudging admiration" for what they felt to be "the uncomfortable degree of truth in Mills' attack." Mills having torn the sacramental cloak of American mythology into shreds, their response was understandably expected.

What was unexpected was the smugness and self-righteousness which the book's publication seemingly generated in America's intellectual elite. Even to this day America's professional intellectuals continue to cling to *THE POWER ELITE* as their solemn symbol of purity and as their basis for refusing to deal with the naked reality outside the classroom and beyond the campus. Often admitting to the corruption of power holders and their institutions, the intelligentsia fail to find any fault on their own part for the cause of such corruption.

Since Mills found existing corruption to be partially the result of the increasing polarization between power and knowledge in American society, the intelligentsia's view from on high is by no means on solid ground. For, this

gap between power and knowledge is the result of what Mills in his *THE SOCIOLOGICAL IMAGINATION* found to be the intelligentsia's failure to provide workable models for change. *THE POWER ELITE* then when viewed together with Mills' *THE SOCIOLOGICAL IMAGINATION* constitutes as much of an indictment of the "men of knowledge" as it does of the "men of power."

The "weak links" between university and government led Mills to establish his now documented proposition that "knowledge does not now have democratic relevance in America." The expected result of all this has been a complete failure to implement significant changes bringing men of knowledge closer to power, or in enabling men of power to share a closer working relationship with knowledge.

That the passing years have failed to alter the "higher immorality" of our governing elite in America is hardly surprising when one realizes that the structure of power in America is hardly more than a mirror reflection of the American system of law. From the extortion of campaign funds by high ranking Justice Department officials down to the petty intrigues of state legislatures, one can always find the elite's politicians entwined in a mutual embrace with their legal cronies.

Our system of law administered by lawyers, well known for the conservative and circumspect which fill their ranks, changes at a speed that makes the tortoise appear to travel on the wings of Mercury. Existing in a self-imposed world of case law mania, the legal technocrats often overlook the overall structure of law in which governmental power is administered and enforced. The value of specific legal procedure is hotly debated while the good and evil in substantive law's regulation of human association goes to a large extent completely ignored. Thus the power elite, through domination of a legal system which sets up the institutions to which governing power is allocated and which specifies the regulating procedures by which governing power is exercised, enamors itself with the ultimate protection for its own status quo. It is through such domination that the power elite is able to provide the necessary labels and corresponding sanctions for its "enemies."

As long as the existing structure of power is maintained and supported by a system of law whose legitimizing values are efficiency and wealth, the governing regime will have little difficulty in maximizing the protection of property, trade and commerce at whatever cost to human dignity. And like the mocking decrees of a charlatan in princely apparel, the American ruling regime will continue to legitimize their actions by invoking bastardized concepts of Freedom, Justice and Rationality. For the government is thereby able to maintain at least the appearance of a healthy state promoting the interests of its citizenry. It is however unable to devise a facade for the dehumanizing reality of a world where the ongoing pressures of war,

racism, pollution and poverty breed contempt, disillusionment and bitterness.

The "average" American, possessing neither the economic insulation nor the hedonistic life style of the ruling elite, is forced to live in desperate coexistence with institutionalized oppression and legitimized corruption. The governmental structure of this country thus becomes more and more a reflection of the dependent nature of its administered population rather than a reflection of the free choice of its citizens. Today, the American system of law, to paraphrase Shakespeare, is not as one would say healthy; but so sound as things that are hollow: irresponsibility and special interest having feasted at its table.

Expanding Mills' earlier mentioned proposition dealing with the polarization between power and knowledge, either of two things becomes apparent about our legal intelligentsia. One, either a real intelligentsia does not exist, there being only lawyers who teach or two, like their colleagues in the social sciences the legal scholars have failed to provide feasible alternatives and workable models for change. Like the dual problem of corrupt men and corrupt institutions both are probably partially true. While there are some workable models for change put forth, the majority of legal research follows a sort of tinker toy approach. Lacking any sense of integrated direction, legal concepts are added to, deleted and redefined without specific goals in mind.

Indeed, our theories of Anglo-American law themselves have generally been constructed only in retrospect, providing for the study of mere strawmen and allowing for little adaption to rational concepts of ordering a human community. American law schools, as the grand socializing institutions of the legal system, perform a next to complete metamorphosis on incoming law students. Initiated into a mystical cult, the student learns all the sacred rites while never enlightened as to his priestly function. Any human value oriented ideology the student may possess is soon replaced by the "legal approach," a decision making approach remarkable in its own right for the novel twist of excluding human values from decisions governing human affairs.

There are those who graduate and for all practical purposes function as plumbers for the legal system the rest of their lives. They are necessary functionaries performing the vital *garbage in-garbage out* task commonly known as the judicial process. Others graduate and rise to the top of the legal profession by adopting the "successful" solution of simply getting in on the corruption they cannot stop. While a few, having resisted the socialization process, fight to go straight in a profession where as one author puts it "they don't want to be whores but can't survive as virgins."

On the other side of the coin, the present irresponsibility of some "legal scholars" serves to widen the gap which already exists between power and knowledge in American society. These are those watchdogs of freedom, whom

Rodell once aptly described as "the silly Frankfurterian pseudo-scholars with their Phi Beta keys dangling from their buttoned vests and their authoritarian aphorisms from their buttoned minds," who have given instant respectability to the Machiavellian mob from Nixon on down. These same "legal scholars" and their political counterparts viewing civil rights and civil liberties as mere licenses to be granted or revoked at their whim or caprice, are doing everything in their power to thwart the democratic achievements of the Warren Court. Recently they have gone so far as to place two utter incompetents in the persons of Powell and Rehnquist on the Supreme Court. Why is it that drowning little men invariably grasp at straws of pathetically proportionate stature?

In attempting to reform the "organized irresponsibility" of America's power elite it would be naive to assume that the essential problem presented is one of merely replacing the power holders. Ultimately any real reform must come to grips with the more complex problems of reforming the institutions and structures of power themselves. For the "organized irresponsibility" which Mills refers to can neither be narrowed to the political sphere nor understood as primarily a matter of corrupt men in sound institutions. For when institutions are corrupting many of the men who live and work in them, the institutions themselves are necessarily corrupted.

The ruling regime in the United States possessing neither the responsiveness nor the responsibility embodied in the political philosophy it preaches, does not lack historical counterparts. History provides us with several instances where democratic forms and republican structures of government were left virtually unchanged by just such shifts and concentrations of power as those occurring presently in the United States. Republican Rome, for example, made several shifts from oligarchy to republicanism and back again without any serious changes in the "form" of its government. And when the republic finally became a monarchy, few changes were necessary even in its constitution. Likewise the French republic remained in form a republic when it became in fact, an absolute monarchy under Napoleon in 1804.

Today, the ruling regime in America attempts to legitimize the abuse of power and use of naked force under the dubious themes of "national security" and "law and order." Taking their cue, the legal establishmentarians draw upon a "natural law" theory of jurisprudence to institutionalize, standardize, and normalize the totalitarian

schemes of big brother's cretan mentality. Eventually the whole ugly process worms its way down to the psychiatric couch where coffins are constructed for the ego's courage to resist—while "educated ball-shrinkers" are nominated for academic awards in their role as psychic directors of the American theater.

The Camelotic picture of America's elite has resulted from the traditional abstract sketches of a benevolent bourgeoisie. However, the elite themselves, presently paint a vivid self-portrait whose objective outlines suggest the motif of a state that has lost the purpose of its power in the fact of its power.

Such philosophical childishness of might makes right, creates an overt lack of responsibility and breach of public trust that not even all their pious epithets and historical innuendos can hide. For the deceit and hypocrisy of proclaiming great lies as fact and putting forth ludicrous propositions as Aristotelian logic soon exposes its own absurdity.

With the slickness of the elite's fabrication so readily apparent, the control of this country which seems to be temporarily out of our hands, may still be feasibly within our grasp. Perhaps the power elite have finally overplayed their hand.

As Herbert Marcuse in his *ESSAY ON LIBERATION* states, "in this situation, law and order become something to be established as against the established law and order: the existing society has become illegitimate: it has invalidated its own law. Such has been the dynamic of historical revolution; it is hard to see how it can be arrested indefinitely."

When Mills spilled the beans on America's power elite the American consciousness was still in diapers. The events of the last decade however have provided the catalyst necessary to illustrate that America above all else is still only an "experiment" in democracy.

America can never regain her lost innocence. But such is the natural process of all true growth and development. For standards based on a shell morality tend to give way in maturity to more substantive values. And in spite of its materialism, bureaucracy, and concrete monstrosities, America is still essentially a human community. A human society now searching for a self identity and presently struggling if not for its life at least for its sanity.

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*To keep them in subjection . . . permit them to go on living under their own laws, meanwhile drawing tribute from them and creating within them a ruling minority which will see to it that those laws remain favorable to you.*

*Since that ruling minority or oligarchy has been created by the prince, it knows that it cannot endure without his power and friendship and must do everything to maintain him in power.*

*Niccolo Machiavelli, The Prince*