

# **NAME and SHAME**

**Using the Information Super-Highway  
to Call Out Wrong-Doers**



**Ken Green**

**SAMPLE**

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by

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**In the Halls of Justice the only justice is in the halls.**

*Lenny Bruce*

## INTRODUCTION

Society is full of people with no scruples -- people who are morally and financially corrupt. These people are determined to rip us off. They have no integrity and will never acknowledge the truth because their own world is based on self-delusion. Perhaps they are a second generation of this culture. If good people continue to turn a blind eye to the successes of these parasites, they will continue to prosper and go unpunished here on earth. In most cases it involves simply too much effort, expense and stress to seek justice. Police and prosecutors lean their efforts toward the easier and sexier cases. In many cases, the law actually protects the wrongdoers. Perhaps this merely confirms that those who introduce and administer laws include some of the most self-serving members of our society – politicians and lawyers.

Has someone said something that caused you to have an epiphany? (*Look it up.*) A few years back I was doing some work in my post-retirement career as a private investigator. I was attempting to drum up business locating deadbeats for a large dental practice. These patients simply did not pay dentist after receiving extensive dental work. When I mentioned lawsuits and attorneys to the practice's business manager, she told me this from her experience: **“These people are not afraid of being sued. We don't waste our money on legal expenses beyond obtaining a judgment. What they fear is damage to their credit rating. We know they are not ever going to pay.”** She was right. They will not get arrested for non-payment of an invoice and they know it. If they are successfully sued, they will not be tied up and beaten to pay the judgment – and they know that. They usually do not connect a judgment to their credit report. Except for very large amounts, nothing will be done about seeking out payment via the legal system and judgments will not reach their credit report. These sponges know this and game the system. For businesses, it's an overhead expense and the rest of us pay. There is an entire sub-society of people who game the system to obtain free services and merchandise.

Credit reporting is a well developed and fairly good “shame tool”. Granted, many of the deadbeats with documented bad credit records are not shamed by their inclusion, but the reporting protects future creditors (*who pay for the information*) from being victimized. Over time, credit reports have evolved into more than just evaluating individual or business credit-worthiness. Credit reports are sought in background checks to consider a person's character for employment or to grant Government security clearances. The shortcoming of credit report information: It is closely held. This is for two reasons. First, the credit reporting "agencies" are private businesses. They sell this information for revenue. Secondly, they must confine access to the information to those regarded as having a legitimate need. Otherwise, they increase the risk of being successfully sued for libel if they sell incorrect information.

Then there are actual criminals being sought by the police. A small rural county near me has over 1,100 outstanding arrest warrants. The small jail has a capacity for only 200 and is always at or over capacity. The state penitentiary system is so overcrowded that, except for heinous crimes, those convicted will likely receive suspended sentences in plea bargains the prosecutors will accept to avoid a time-consuming and expensive jury trial. (Defense attorneys and experienced criminals know this.) Then, it is not uncommon for those on probation to simply not show up at their probation officer appointments – resulting in an arrest warrant for that. It's a snowball rolling down the hill.

The FBI's National wanted persons database has the names of over 1.5 Million wanted persons. New submissions to the database outnumber cleared cases. But, this database is not available to the public for its assistance in locating these wanted persons or to alert the public of their character. Why not ? We pay for this computerized information system. There is no easily accessible public information resource to identify convicted criminals. There is no enduring record online where you and I can look to see if a certain person is someone we should be wary of. Yes, a conviction or civil judgment may appear in a newspaper when it occurs -- but that soon becomes old news.

Virtually every District Attorney in the nation has someone (or an entire staff) that deals with dishonored checks. Tendering a worthless check is a crime. It is theft. However, most prosecutors do not handle bad checks as they do other crimes. They do their best to recover for the payee (usually a local business) and that's about the end of it. Some Worthless Check Offices are putting the details online. This is a step forward. I would like to see more of it.

There are civil offences such as breach of contract. Using a real case I am aware of: A lady signed a contract to buy a house from a young couple. The buyer's mortgage was approved, the home inspection turned out fine and a closing was scheduled. The couple moved everything out of the house and into an apartment until the closing, after which they will have the money to buy the dream house they have contracted for. A few days before closing, the buyer backs out -- blatantly breaching the contract she signed. She changed her mind. She says she has reconsidered taking on the commitment. What a flake ! She apologized. With no regard to the contract she signed, she decides she does not want the house and backs out as casually as she would return merchandise to Walmart. Under our justice system the couple's only remedy is to sue for breach of contract. They can't call the police. This is not a criminal offense. An honest attorney would probably advise that they would just be spinning their wheels if they try to sue. The process is expensive, time-consuming and not likely to result in any kind of ultimate recovery from the guilty party unless much expense, time and stress were devoted. Once the civil case was won, the lady would simply not pay. In this case, she did not even reside in the area. Once the couple's expensive obtained a judgment in the couple's favor, collecting the amount awarded is just the beginning of a brand new costly process that is becoming less and less successful. Even bowling alley attorneys charge \$150+ for their time these days.

What about false and misleading advertisements – and scams ? There is absolutely no handle on that. The commercial media that communicate advertisements for revenue are certainly not going to cut their own throats. Newspapers and radio stations issue clever disclaimers drafted by their attorney -- and consider themselves innocent of any misunderstanding by those influenced by the ads. Better Business Bureau and Chamber of Commerce offices are hesitant to act aggressively if the culprit is a member.

Except for a real-time police fence between violent people and peaceful people, the justice system can no longer serve most of us. In Government, procedures and processes simply do not change. Government procedures and processes are in place for those who are wired in – not you and I. Unless it is a large class-action suit, the dispute is corporation Vs Corporation, or it's a really big-money case -- forget about it. The bad thing is that selfish and immoral people (there

are so many) simply do as they please under today's "law of the west". On the one hand the system is set up so that most of us are expected to deal with the misbehavior of others on our own -- but on the other hand, the same system inhibits us from using effective tools to do so out of fear that we will be the ones getting into hot water or losing our ass.

What can be done ? Americans are a "Live and let live" kind of people. We value privacy and keeping our nose out of other peoples' business. Maybe it would be good if this changed a bit. Perhaps "shame" can play a larger role if we Americans were not so timid. What if we could play the shame game with savvy ? In Europe and Australia, individuals (and even Governments) are doing this. In Japan, most solved crimes are the result of spontaneous confessions or family turn-ins out of shame. Even for the scumbags that are not moved by shame, improved public information about their deeds and character could somewhat hinder their ability to continue sponging off the rest of us. If there is a warrant for their arrest, improved public information might help law enforcement locate them. If the culprit's problem is local and the improved public information is local, perhaps they will move away. If they owe money, perhaps improved public information will spur them to pay up.

What is keeping us from spreading a wider "shame net" ? Probably, it is just that we are timid about calling out the misdeeds and flaws of others -- and, of course, afraid of being called a gossip or sued for libel and slander. But, as the traditional criminal and civil justice system bogs down when it comes to punishment and making victims whole at the expense of wrongdoers, the landscape needs to change. How could we make these changes occur faster ? Answer: Use the Web -- the Internet. The Information Superhighway has arrived just as this problem has gained the magnitude that requires such an information resource.

In this book, I would like to discuss tantalizing "out of the box" uses of the Internet to close in on much of the unfairness good people suffer at the hands of uncaring people. I hope to convince those in law enforcement and justice administration to take an approach leaning more toward the release of information than the current practice of keeping it so close-hold. Such a sea change in this mind set would transform our overall ability to control the devil in individuals of poor character.

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Please read the rest of this book -- think about my take on this -- and let me know what you think. I seek comments from those who disagree as well as from those who agree. My email address is in the Other Resources section at the end of this book.

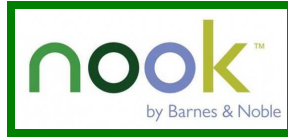
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