

Pamphlets

No.10 Executive Compensation/Lawful Commerce

“Behold these are wicked, yet they are tranquil in the world and have increased wealth” Psalms 73:12

The American Family Homestead Act is designed to inject trillions into the economy by returning unused and underutilized federal property to nature's economy and as such will prove to be self-sustaining if politics, i.e. government employees, are barred from the endeavor. The Main Street Initiative, though spearheaded by the AFHA American Family Trust is best implemented by a symbiotic relationship with investors “tranquil in the world” sitting on trillions of questionable “increased wealth”.

I was tempted the name the Executive Compensation Act the Kathryn Murdoch Act so when the ECA becomes law the “We did it!!” corporatists who manipulated the 2020 election will know who to thank for breaking up the “we” cabal.

The emissary has no interest in attempting to unravel a complex web the nature of which the wealthy might consider viewing from the higher vantage. If anything the wealthy are adept at mathematics and calculating cost benefit...as such the matrices will speak for themselves; the words ‘to whom much is given much is expected’ with less than four years until singularity and the certainty of judgment have a weight that will tip the scale of the wise. The measures have been provided and whether left or right on the accepted political scale there is an obligation to find oneself on the ultimate scale.

An emissary can do nothing more than appeal to reason and as such the few percent who own 90% of the wealth must decide whether they will be a part of the most incredible 4 years in history, the end of history as it is understood, or bow to puny gods and pray the emissary is wrong...when the mathematics that made their world possible screams the emissary is right.

What the emissary can do is change the equation by breaking up the club of the obscenely wealthy to some extent while at the same time refueling nature's economy with a good amount of creativity and wealth in a way Americans would appreciate and deem eminently just and fair...as Jefferson and the God of Sinai would define eminently just and fair.

"There is a debt of service due from every man to his country, proportioned to the bounties which nature and fortune have measured to him." Thomas Jefferson to Edward Rutledge, 1796

When it comes to corporate voices reasonable Americans are not convinced businesses should be barred from having a voice in electing those who write laws, but what the vast majority fail to realize is the degree of deception. When Trump cut regulations the primary beneficiaries were small businesses such as those represented by the National Federation of Independent Business as opposed to big business which by and large, contrary to popular belief, benefit from regulation to reduce competition.

One might better understand in context why the Chamber of Commerce and the AFL-CIO issued a joint statement after the fraudulent 2020 election urging all to accept the results; there is a huge difference between what historian Burton Folsom defined as the political versus the market entrepreneur i.e. one who eliminates competition politically as opposed to the marketplace of ideas.

On Biden's first day in office he signed a little noticed executive order with the typically motte title "*Modernizing Regulatory Review*" but the bailey is far different; the regulatory state has been unchained and released upon every aspect of the economy and society...disposing of even the most rudimentary cost/benefit analysis "to ensure swift and effective federal action" as it concerns equity i.e. redistribution.

If there is anything Americans do agree upon it is unconscionable executive compensation; CEOs represented by the Business Roundtable that dominates the libertarian Chamber of Commerce. Pamphlets contain a number of recommended readings but in this rare instance it is incumbent upon me to reprint in its entirety and article titled *CEOs average pay in 2021 was 324 times higher than employees: report* by Brad Dress for the Hill:

CEOs of the top 500 companies in the U.S. earned 324 times more money in 2021 than their employees, with executive compensation climbing \$2.8 million dollars in the past year on average as worker wages declined, according to an AFL-CIO report.

While the report found that real worker wages fell 2.4 percent in 2021 after adjusting for inflation, the average compensation for the top CEOs in the nation last year was \$18.3 million, a more than \$5 million increase over the past decade.

CEO pay, which includes salary, stocks, bonuses and nonequity incentives, rose 18.2 percent last year, much faster than the 7.1 percent rate of inflation.

Meanwhile, workers earned on average \$58,260 last year, a roughly \$1,300 increase annually over the past decade, according to the report.

The disparity between the average worker's pay and CEO compensation shows how inequality has ballooned during the pandemic.

At Amazon, where workers unionized for the first time this year at a Staten Island location, CEO Andrew Jassy earned more than \$212 million in 2021. That was 6,474 times the median pay of the average Amazon worker, according to the AFLCIO report.

Apple CEO Tim Cook earned more than \$98 million last year, 1,447 times higher than his employees' median pay. Apple workers also unionized for the first time at a store location near Baltimore last month.

Netflix, which just reported better-than-expected earnings and slowed subscriber loss in its second-quarter results, has a slightly smaller disparity. CEO Reed Hastings collected more than \$40 million in 2021, about 200 times higher than the median employees' pay.

Other CEOs at the top of the list include executives at Expedia, JP Morgan Chase, Intel, Etsy and Adobe.

The outrageous salaries and benefits are not confined to CEO's but the executive upper echelon and despite what libertarians might say the compensation is an objectively unjustifiable and new phenomenon; CEO salary in the not too distant past averaged 20 times the average worker compensation. The Executive Compensation Act (ECA) would apply only to publically traded companies; limiting the CEO's compensation to 20 times *the average hourly workers pay* with structured compensation for subordinate executives set below the x20 threshold.

The legislation would also apply to nonprofits and NGO's. Including nonprofits and NGOs might strike some as odd but in fact a substantial number are profitable and were designed to be profitable; hiding behind faux charity and community service the nonprofits profit from not having to pay taxes and are highly influential across the broad spectrum of society.

The exorbitant executive compensation packages have resulted in a club like class of individuals which has served as a comfort zone for CEOs, COOs and CFOs et al which in turn provide a buffer between the extremely wealthy and the free market in a perverse way; a massive amount of wealth and talent is essentially immobilized; constricting the flow of capital and entrepreneurial talent. The ECA would have the effect of mobilizing capital and talent in that entirely privately held companies would not be subject to the compensation limits set forth in the legislation.

Ben Franklin was right; to lift someone out of a less than conducive situation the best approach is making the situation uncomfortable e.g. if an extremely talented CEO making \$100M a year is facing the prospect of a 99% pay cut the inducement to start a wholly owned private company comes to the fore ergo innovation, competition and capital is reintroduced into the market where once there was none...and the highly mobile corporate aristocracy will end.

Libertarians will assert the government has no business making business decisions in the free market which assumes, as libertarians always do, society as a whole is there for the benefit of the market and that a free market actually exists; more and more 'woke' corporations and hedge fund managers stress the idea of the stakeholder rather than the shareholder as if carefully calculated financial leverage is actually a risk.

One need only consider CEO pay has risen when shareholder return has fallen even though capital retention is critical to corporations for a number of reasons including financial stability and the ability to take advantage of return on investment opportunities which directly benefit shareholders. But then again, Milton Friedman has been rejected; replaced by the Davos Manifesto 2020 which proposed a "better kind of capitalism" which lists shareholder return on investment the last concern far behind serving "society at large".

'Why "Stakeholder Capitalism" Is a Disaster for Entrepreneurs' by Thomas Spain for Mises Wire provides clarity as to the fading corporate consensus now being subsumed by 'woke' corporations amenable to classic fascism:

---"Stakeholders are employees, customers, suppliers, and the community. While this theory is presented as a commonsense truism, it has one specific foundational flaw: it dilutes and undermines the principle of private property.

To own a thing in principle is to have control over its use. An owner of a company, in a market system, has ultimate discretion over and responsibility for how the assets of the company are used. In a joint-stock company, the decision-making is shared by the various owners of shares. But in stakeholder capitalism, all of the stakeholders have influence in company decisions. Therefore, stakeholders are *de facto* joint owners of the corporation, and advocates of stakeholder capitalism would seek to make this ownership a legal reality.

When stakeholder capitalism is expounded by its advocates, it's easy to believe that it is not as much a social theory as simply good advice. Businesses seek to develop mutually beneficial relationships that will last into the long term. As a means to that end, it is good business practice to maximize the contentedness of your employees, deal honestly with your suppliers, survey the needs of your customers, and keep a good image in the community. However, stakeholder capitalism goes beyond good practice by putting government power on the side of the stakeholders.

We can see what the joint ownership of stakeholders looks like in practice. For employee stakeholders, control would mean union representation on the corporate board. For supplier stakeholders, industry oversight associations would oversee contracts, making them impossibly difficult to terminate while outlawing any market choice. Customers would be represented by consumer protection bureaus. And community stakeholders would mean democratic approval of business actions by government committees.

While in the free market stakeholders vote directly with their dollars, in stakeholder capitalism the nominal stakeholders never exercise their ownership stake directly. Rather they are represented indirectly or bureaucrats are imbued with the authority to interpret their desires. The driving force behind the stakeholder capitalism philosophy is precisely that it creates opportunities for political actors to assert disproportionate control over the economy's resources. Rather than create real wealth for society, politicians and bureaucrats use their social ownership of companies to extort economic resources for their purposes.

In such an environment, entrepreneurial decisions are reduced to a political process...stakeholder capitalism is built on a collectivist version of property rights"---

The benefit of using average worker compensation to determine executive compensation is self-evident; if executive compensation is determined by 20X average worker compensation, management would have a vested interest in paying the highest possible compensation to the majority of employees.

The government and those who profit from other people's money is a beast that must be starved and the corporatist international capitalists willing to buy influence brought to heel; faux "free marketers" who care only about monetary profit at the expense of the average American will be faced with creating a "free market" in harmony with nature's economy.

"The interest of [businessmen] is always in some respects different from, and even opposite to, that of the public ... The proposal of any new law or regulation of commerce which comes from this order ... ought never to be adopted, till after having been long and carefully examined ... with the most suspicious attention. It comes from an order of men ... who have generally an interest to deceive and even oppress the public"

Adam Smith *An Inquiry Into the Nature and Causes of the Wealth of Nations*

Defanging and starving the beast that is the federal government while at the same time freeing nature's economy from the shackles of government control would not be complete without denying those who created the controls the opportunity to pull the levers from the outside; the "revolving door".

The Executive Compensation Act would constrict the crony capitalism that sees politicians, retired military officers and the politically well-connected offered lucrative positions by corporations, private foundations and profitable nonprofits after leaving government employment. Ex-politicians, government employees, those who served in official capacities and retired military officers O-7 and above would be subject to a regimen of reporting activities much like those required by the FARA; the Foreign Agent Registration Act.

The ECA would require the aforementioned categories to register and maintain monthly public disclosures as to relationships with any entity engaged in political activities including all compensation received. Most importantly, the ECA would require individuals within the categories to disclose contacts with others within the categories, politicians, those serving in official capacities, corporations and political organizations monthly in the form of a daily log.

Had the registry existed in 2020 the complex web of conspirators that joined common cause to steal the election would not have had to wait for the in your face, 'what are you going to do about it?', article by Molly Ball that like so many other Marxian machinations seems designed to prompt outrage to the point of violence...now that Marxians have control of the military.

One aspect of the fascistic cabal that rigged the election, tech companies and the oligarchs censoring free speech, is beyond dispute...but looking to relief asserting monopoly from an equally fascistic government is a fool's errand. If one seeks to take the matter of them one needs to have a clear understanding of the marketplace; political entrepreneurs of such magnitude must have the political infrastructure dismantled from under them.

"The most urgent necessity is, not that the State should teach, but that it should allow education. All monopolies are detestable, but the worst of all is the monopoly of education."

Frédéric Bastiat, *What Is Money?*

Those who have created vast personal wealth on a heretofore unimaginable scale by manipulating bits and bytes of binary code should not underestimate the Creator of a binary existence disinterested in negotiating what is good and what is evil with people who know perfectly well.

Extortion and Lawfare; Defense of Lawful Commerce Act

"The first thing we do, let's kill all the lawyers"

Shakespeare, Henry VI

The United States was meant to be a nation of laws not men; a contract society that began at Sinai, was amended by Yeshua, matured with English common law and perfected with the Constitution; perfected in that for all of its faults, and those of the men who drafted the document, it was capable of evolving and only in that sense is it a "living Constitution" which was the original intent. The Constitution is the most carefully crafted and precisely balanced endeavor in human history and much more; it is Torah...instruction for all mankind.

What Americans must come to see is the natural progression; the stone tablets of Sinai are the foundation and the Torah the first constitution; amended by Yeshua the hinge point in history when coercion was replaced by reason; reason that matured with enlightenment thought as to a just society best expressed by Edmund Burke's English common law...all of which were infused into the Constitution.

Mine is not a mental parlor game but rather convergence; the Constitution bears the personal imprimatur of the God of Sinai. Deeply consider a more in depth excursion through the most important axis of the matrices.

Begin at the beginning to understand the end; the Constitution and the United States belong to the God of Sinai...given in usufruct to the American people to serve as a beacon of freedom and hope for the entire world. The point being the Torah was entrusted to the Holy Nation as guardians for 3500 years and Israel now exists as was promised, but after less than 250 years far too many Americans have no idea what the bill of rights is and are incapable of naming the three branches of government.

One would expect the law to constitute the most formidable barrier against the subversion of society, but after being weaponized as a vehicle of revolutionary change so astounding it could not have been imagined by Americans 100 years ago patriots must take away the matter of them. Nobody then would have thought the outlawing of prayer in school or expression of religious conviction on public property would be possible let alone the legalization of abortion as a "right to privacy" nowhere to be found in the Constitution let alone pornography as freedom of speech to mention but a few.

The clearly expressed principles expounded by the Founding Fathers and set forth in the Constitution are now routinely reinterpreted, distorted or simply ignored. Worse yet, the ideological agenda underpinning the radicalization of the American system of civil law were carelessly accepted by millions of Americans, who have themselves been radicalized without even realizing it.

Multi-million dollar settlements are no longer big news; the public has been convinced that insurance companies and corporations are evil and must punish in a way that hurts them financially; settlements having no relation to actual damages are being inflicted upon the insurance companies and corporations intentionally by activist Marxian lawyers in a strategy designed to benefit Marxian constituencies as was the modus operandi of the Marxian DOJ by way of consent decrees. Do you really believe consumer laws benefit consumers?

There is army of agenda driven lawyers engaged in the three J's strategy; jurisdiction, judge and jury as exemplified by a record number of injunctions designed to impede Trump filed in California and New York courts. The strategy often takes on a distinctly tyrannical hue such as that of the saga of David Daleiden and Sandra Merritt with the Center for Medical Progress; two patriots charged by former California Attorney General Kamala Harris with 14 felony counts for secretly taping and exposing illegal human tissue procurement discussions between Planned Parenthood and StemExpress.

Though ostensibly protected by California's journalist shield laws, Harris issued warrants to search and seize computers, video equipment and videos from Daleiden's apartment; the charges were the first and only time the California video recording law was used against journalists. The criminal charges are still pending but in November 2019 Planned Parenthood was awarded \$2.2 million by a San Francisco jury presided over by Judge William Orrick III...an Obama appointee and a co-founder of a Planned Parenthood clinic; inclined to selective evidence presentations is an obviously biased judge the equally partisan 9th Circuit refused to replace.

Selective evidence presentation appears to be norm in Marxian San Francisco courts; Monsanto was hit with a \$2 billion jury award after Alameda County Superior Court Judge Winifred Smith refused to allow the defense attorney's to introduce to the jury an EPA determination the active ingredient in the ubiquitous weed killer Roundup, glyphosate, is not carcinogenic and poses no risk to public health when used as directed. Judge Smith asked "What is the relevance?" The award explains the presence of Robert Kennedy Jr. TV ads building up more than 18,000 "victims" in an extortion scheme called into question by Geoffrey Kabat in his article *Who's Afraid of Roundup?*

Appealing to emotion and political inclinations rather than reason is key to the three J's strategy to target companies out of sync with Marxian theology as was the alleged Roundup non-Hodgkin's lymphoma that, like Agent Orange, aligns with expected rates of cancer in the general population.

Nowhere is that more apparent than the Sandy Hook lawsuit targeting Remington Arms for "knowingly marketed and promoted the Bushmaster XM15-E2S rifle for use in assaults against human beings". A state with some of the strictest gun control laws in the nation cannot bring itself to admit ideology is responsible for the godless and selfish generation that created a monster like Adam Lanza...it was not the AR-15 Bushmaster. Just recently a judge in San Diego ruled a suit against Smith & Wesson would be allowed to proceed for essentially the same reason; Smith & Wesson negligently marketed the AR-15 used by the shooter to attack a synagogue.

The issue for purposes of defanging laws such as the obviously inadequate 2005 law titled the Protection of Lawful Commerce in Arms Act designed to grant broad immunity to gun-makers and dealers from prosecution for crimes committed with their products in the hands of others. As happened with the New Deal and Civil Rights, when Marxians circumvented the Constitution so too the Protection of Lawful Commerce in Arms Act i.e. it is not the AR-15 but how it was marketed...marketing rather than individual responsibility and all the lawyers need is an agenda driven judge and jury that would prefer the 2nd Amendment be done away with.

It is not only Marxians refusing to admit it is the failure of government as a whole to nurture self-governance; the state of Oklahoma sued Johnson & Johnson and Judge Thad Balkman found the "misleading marketing and promotion of opioids created a nuisance" echoing the idea advertising and marketing confers responsibility for use strategy of Sandy Hook; opioids are a "public nuisance" so Johnson and Johnson was ordered to pay hundreds of millions for programs to treat those who misused a *legal product*.

I would ask where the "Innocence Project" is when it concerns corporations, but that would be a bridge too far for those convinced corporations are evil. John Adams, while defending British soldiers against charges of murder resulting from the Boston Massacre, addressed innocence eloquently:

"It is more important that innocence should be protected, than it is, that guilt be punished; for guilt and crimes are so frequent in this world, that all of them cannot be punished.... when innocence itself, is brought to the bar and condemned, especially to die, the subject will exclaim, 'it is immaterial to me whether I behave well or ill, for virtue itself is no security.' And if such a sentiment as this were to take hold in the mind of the subject that would be the end of all security whatsoever"

The sentiment has taken hold; United States has one lawyer for every 250 people while in Japan the ratio is one for every 4000 which speaks volumes as to the downside of diversity; a homogenous culture with shared expectations of personal conduct has less need for lawyers. If one would care to use a simple but accurate measure of the consequence of the multiculturalist diversity mindset precluding judgment, simply look to the spotless subway stations in Japan and compare them to those of New York.

Until government at every level accepts that one of its primary responsibilities is instructing its citizens what the meaning of self-governance and individual responsibility entails, Marxian lawsuits against companies producing the most regulated products on earth will with the Defense of Lawful Commerce Act be facing a co-defendant with universal standing and a vested interest. Passing the Defense of Lawful Commerce Act would have the federal government party to lawsuits targeting companies for products or projects subjected to federal testing, regulation, permitting and approvals.

A federal judge would be far more reluctant to assert "What is the relevance?" of EPA test results to an EPA attorney and his army of EPA "experts" in open court when the federal government would be liable for half of any settlement.

"It is hard to imagine a more stupid or more dangerous way of making decisions than by putting those decisions in the hands of people who pay no price for being wrong." Thomas Sowell

Woodrow Wilson was right as to the need for administrative experts to deal with the demands of a technologically advanced economy but one aspect of the arrangement was left out of the equation; the federal government has no individual self-governing responsibility or shared liability.

If agency experts and regulators have approved a product from which the federal government directly benefits by way of taxes there is an obligation to stand behind the testing and standards to defend companies such as Boeing which has posted its first loss in decades due to the 737 Max issue; crashes and groundings that selective leaking gives the impression Boeing was being deceptive during certification.

The Boeing 737 Max issue will be a litmus test for the federal government in that there are national security issues intrinsic to a venerable company that has dominated the commercial aircraft market for 60 years; two reasons Boeing will be a target of Marxian lawfare. The litmus test will include a tort reform reflecting the reality of a technological market economy requiring experts; the truth will no longer be what lawyers appealing to emotion can convince a jury of average citizens is a truth that might empower them to right some of the wrong that presses upon them every day...wrongly.

The Protection of Lawful Commerce in Arms Act would be supplanted by the comprehensive Defense of Lawful Commerce Act; the federal government would assume half the liability and half of the defense costs to defend against lawsuits targeting products and projects wherein the federal government regulates the activity and requires approvals or permitting for the products or projects. The defendant would have the sole authority to invoke the provisions of the DLCA thus removing the case from state courts to District Courts and trial before an expert jury.

The federal government cannot assert expertise as entirely necessary to regulate without conceding equivalent expertise is entirely necessary to make civil determinations; the PLCA would require expert juries to make the necessary determinations and assessments as damages.

All lawsuits adjudicating product liability, professional malpractice and projects such as pipelines etc. under the auspices of the DLCA would require an expert jury that would include in all cases two actuaries, two lawyers and eight experts representing the field of expertise in question e.g. medical malpractice would require eight medical professionals and aircraft accidents aviation experts including commercial pilots. In all cases, the awarding of punitive damages would require a unanimous jury finding.

Like grand juries, a list of retired or otherwise available experts and lawyers would be maintained by the DOJ by jurisdiction; the jurors would be paid equitable fees plus expenses and lodging. The value of the jury far outweighs the cost; reason would replace emotion and political inclinations, changing the entire equation while denying Marxian legalized extortion to feed agenda.

As in all things economic and political Americans must take away the matter of them.

Godspeed,

Adler von Pfingsten

