



Guardianship as an Extreme and Unjust Form of Capitalism

A White Paper by Americans Against Abusive Probate Guardianship

"If justice is removed, the great, the immense fabric of human society must in a moment crumble into atoms."

-Adam Smith, the Father of Capitalism

"Capitalism is against the things that we say we believe in - democracy, freedom of choice, fairness. It's not about any of those things now. It's about protecting the wealthy and legalizing greed."

[-Michael Moore](#)

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Although the term capitalism is bandied about frequently very few people actually understand its true definition and purpose. Capitalism is a planned system that allows governments and individuals to function in parallel for the betterment of society.

It is an economic and political system in which a country's trade and industry are controlled by private owners for profit, rather than by the state, although it is the state by a system of checks and balances we refer to as laws, that --in an ideal world--both tolerates and regulates the ability of individuals and companies to function and produce profit.

When viewed through this lens, the intrinsic, fundamental flaws of for-profit guardianship emerge in stark contrast to the stated goal of capitalism, the betterment of society.

The humiliation and degradation of innocent members of our society as is commonplace in abusive guardianships that are established and run for profit by greed driven professional guardians in this capitalistic system, function at the pleasure of government, in this case the probate court,

As has been shown repeatedly over time by social historians and intellectual capitalists, absent vigilant scrutiny and discipline from government, capitalism without justice and morality universally devolves into unbridled greed driven behavior and injustice.

As one of many well-known examples, consider the collapse of Enron whose massive failure sent seismic ripples through the entire American economy and resulted in immense human suffering from anyone associated with the company or its investors and ultimately resulted in the suicide of its CEO. Enron was making enormous profits by deceiving everyone it dealt with. It was only when governmental regulators finally elected to analyze details of Enron's business that a torrent of fraud or deceit and abuse came pouring forth from its books. Enron's immense profits are the result of greed driven unregulated unjust capitalism.

Worst yet, Enron's managers try to convince the government that the laws they were breaking actually provided a defense for their actions. Armies of lawyers began arguing these fine points of law but at least in this case “just-ness” prevailed. The term just-ness means the application of laws as they were intended to be applied by lawmakers-- in general laws are made for the betterment of society and not only for the betterment of individuals or companies.

This construct can help ease the cognitive dissonance that families experience in probate court as they witness family members being turned into living zombies without any civil rights by virtue of some alleged form of incapacity—whatever that term actually means. Guardianship is an industry whose goal is the accumulation of great wealth for its stakeholders through the diversion of intergenerational wealth from its rightful owners and heirs. This industry flourishes when government, in the form of administrative probate courts, withholds justice and just-ness from innocent citizens and their families in favor of a special interest group—the guardians and the lawyers who protect them.

Idealized American society is based on principles of justice and fairness. It is excruciatingly painful for families dazed and bloodied in guardianship hell to realize that fundamental constitutionally guaranteed protections and rights they thought they were entitled to by virtue of citizenship and on the basis of laws intended to protect them can be routinely, blithely sacrificed in favor of the profits of the probate industry. The cost of this unjust-ness is a massive tear in the fabric of American society that is so egregious and damaging it must be kept secret and undercover so as not to be revealed to an unsuspecting public until the moment it captures yet another unsuspecting victim.

Capitalism has brought great wealth and benefit to the United States of America. But unjust capitalism, exemplified by the greed driven for-profit guardianship industry, is a national cancer that case-by-case is the antithesis of our ethical principles and an intolerable affront to the fabric of our society.

Like so many cancers this one needs to be treated with multiple treatment modalities. To do so we must treat the primary tumor as well as its metastases. The laws that govern guardianship-- the origins of the malignancy --must be immediately reformed. To prevent tumor recurrence there must be mechanisms in place-- similar to learn new systems—to vigilantly vouchsafe that those laws are observed by the courts. Metastases of the cancer—sadistic, rapacious and greed-based guardians and lawyers that protect them-- must be eradicated by aggressive and courageous law enforcement not afraid to tackle an aggressive system that has been resistant to therapy for decades.

For the body politic of America to survive and its moral fabric to be restored, unjust, illegitimate and malignant guardianship capitalism must become a priority at every level of American government. Americans Against Abusive Probate Guardianship is dedicated to this cause.

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