

THE LAW, OVERSIGHT, AND TOO SELF-RIGHTEOUS TO INVESTIGATE?

Some years ago, John Hanam, [founding Director of Singapore's Central Narcotics Bureau](#) and his wife Lillian were guests in our home for dinner. John Hanam was one of the architects of Singapore's drug laws, which are regarded as being [singularly tough globally](#). John Hanam's sister and members of their intelligent and interesting family have been friends for many years.

The stories about Singapore's [tough laws](#) are well known, and I was curious in knowing how Singapore's tough laws were developed. In the course of the evening I asked John Hanam about the creation of these laws. John Hanam explained that he was a numbers guy by profession and said [Lee Kuan Yew](#) ("LKY") the founding Prime Minister of Singapore dispatched him around the world to survey the legal systems of numerous countries and come up with a report on which laws would impact corruption and the trade in illicit drugs in Singapore.

John Hanam said his report included a number of extremely onerous laws in the report he delivered to LKY in spite of which he was told to implement the laws as he described them in his report. He confessed that he was shocked at that directive given the harshness of some of the positions he outlined, expecting at least some debate and discussion, but said there was none. LKY pushed through a comprehensive anti-drug and anti-corruption framework covering the country's laws, their enforcement, the public service and public outreach.

John Hanam said one step in dealing with corruption and the illicit drug trade is to confront the problem of the business being conducted in cash and other forms of payment obscured as to their origin. In order to follow the trail of illicit funds [Singapore's Prevention of Corruption Act](#) places:

"the burden of proof on an accused to show that they acquired their wealth legally and any unexplained wealth disproportionate to known sources of income is presumed to be from graft and can be confiscated. The Prevention of Corruption Act provides for extra-territorial jurisdiction, so that the actions of Singaporean citizens and corporations overseas are treated the same as actions committed in Singapore, regardless of whether such corrupt acts have consequences for Singapore."

Another step John Hanam said Singapore took to stamp out corruption was to provide [stringent](#)

The acid test of any legal system is not the greatness or the grandeur of its ideal concepts, but whether, in fact, it is able to produce order and justice. - Lee Kuan Yew



[oversight](#) of the systems that administer Singapore's laws and defend law breakers, which includes lawyers, judges, prosecutors and the enforcement divisions. John Hanam said this group professes honesty, and under the refuge of that inference they presume to be exempt from the external oversight necessary to prevent their inflicting considerable ill on a nation, which includes facilitating corruption at the [highest levels of the legal system, government and corporations](#). Many decisions of [governing bodies can be reviewed in Singapore](#).

Singapore's [Corrupt Practices Investigation Bureau \(CPIB\)](#) is solely responsible for the investigation of corruption in Singapore and answers directly to the

Prime Minister, not the Attorney General, which should help to prevent illicit interference from the legal community. The legal community is regarded as providing a public service to the community and is as susceptible to corruption as anyone else in a position of authority. It cannot avoid the scrutiny of Singapore's Corrupt Practices Investigation Bureau, which is as it should be.

To facilitate transparency and public trust, no agency responsible for the disposition of justice should be allowed to [self-regulate without oversight](#). And [that oversight to be legitimate](#) must have representation of a mix of citizens rich or poor and selected randomly. There are those that would argue that only those trained in the profession should be allowed to provide oversight, since they are trained in the nuances of the profession they are regulating. Singapore begs to differ and [so should you](#). All oversight should be [external to the body being regulated](#).

"People do what you inspect, not what you expect" - Louis V. Gerstner Jr. Chairman of the Board. IBM [Public trust in public institutions is lowest in democracies](#). And although capitalism and democracies coexist, the public perception of their institutions is highest in Scandinavian countries which many regard as being more socialistic. Denmark, ranked as one of the least corrupt countries in the world, has similar anti-corruption laws to those in Singapore and which are also strictly enforced. Denmark is also regarded as having one of the most honest legal systems, and yet a lack of observable corruption is not an indication that there is no corruption.

The constant stream of disclosures about the secret use of tax havens makes that abundantly clear. [Secrecy hides corrupt and unethical practices and enables them to flourish](#). And in every case there will be lawyers and law firms engineering their operation and feigning innocence, shifting blame to their clients for failing to disclose to them the true nature of their business.

"There is not a crime, there is not a dodge, there is not a trick, there is not a swindle, there is not a vice which does not live by secrecy." - [Joseph Pulitzer](#)

Another point John Hanam emphasized was that a critical component of Singapore's anti-corruption effort was enjoining its citizens in fighting corruption, [reporting it when they suspect it and strongly condemning those involved](#). A quote by LKY reflects that reality:

"The strongest deterrent is in a public opinion which censures and condemns corrupt persons; in other words, in attitudes which make corruption so unacceptable that the stigma of corruption cannot be washed away by serving a prison sentence." - Lee Kuan Yew

"Public opinion sets bounds to every government, and is the real sovereign in every free one." - James Madison, Public Opinion, December 19, 1791

"We are not to simply bandage the wounds of victims beneath the wheels of injustice, we are to drive a spoke into the wheel itself." - Dietrich Bonhoeffer

A PRIVILEGED CONFESSIONAL

Lawyers can be like lamps to moths full of treachery and deceit, along with all those wronged by the moths. The files and communications of this group are a treasure trove of secret and damning information. In a world in which average citizens, innocent people with no criminal past whatsoever are routinely surveilled for pernicious purposes, expecting the communications of drug dealers, murderers, frauds, terrorists and tax scofflaws among a host of other people deserving of scrutiny, including those that counsel them, to avoid oversight is ludicrous. Singapore placed the oversight of this group in a completely independent agency precisely so that they could be observed in secrecy.

It is certain [intelligence agencies have records of all of these communications](#), ostensibly justifying their snooping with the claim illicit funds finance terrorist activities, [crimes against the state and so on](#). If the spy agencies and their contractors are willing to spy on friends and allies, it would take [real hubris to believe they are not spying on law firms and their clients](#).

When you look at the leaks attributed to employees that ensnared firms providing services in offshore entities, and if you have any sense at all of how intelligence services operate, you cannot exclude their role in making these leaks happen. They are one heck of a way to shake down scofflaws to ensure compliance.

The Mueller investigation of Russian interference in the election of Trump is a good example of this. To date the investigation has not shown any proof that Trump was elected by Russian interference. What it is doing however is [threatening every politician by showing unlimited resources can be thrown at them and their associates' activities](#), even using laws so obscure counsel had to wear dust masks to open the books to find anything completely unrelated to the original purpose. It also shows the spy agencies with their unlimited technology have access to all of their files, which is proven by the fact that virtually any decent hackers can get at their communications, and that with this information a compliant press can be manipulated into destroying the target. I would say J. Edgar Hoover's skulduggery is now a mainstream information weapon in the intelligence community's disruption arsenal.

What it also does is dump all of those investigated into a pit of fee vipers, the legal community, who are only too happy for the conflict. Given the legal system's hooks into the fabric of the nation and their influence over politics it is unlikely the nation will see them willing to change their behavior any time soon.

And finally what it does is create a massive trove of information that the whistle blowers of the world can see and eventually, one way or another potentially disclose. Moreover, one would have to be really delusional to believe that anyone learning what is going on will not do something about it in the future when they know how to.



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