



Written by [Thomas Sowell](#) on November 15, 2011

## The Real Scandal: Legalized Extortion

Let's start with the law. Some people may think the fact that the National Restaurant Association reportedly paid \$45,000 to settle a claim made by one of its employees against Mr. Cain is incriminating.

Most of us are not going to part with 45 grand without some serious reason. But that is very different from the situation of an organization in the present legal climate.

The figure \$45,000 struck a chord with me because, some years ago, my wife — who is an attorney — was fervently congratulated when her client had to pay “only” \$45,000 in a jury award when the plaintiff was demanding a million dollars, in a case that was as frivolous a lawsuit as you could find.



The person who was suing was a drunk driver, whose car went out of control and slammed into a tree. After the sheriff's deputies arrested her, she sued them on dubious charges, and the sheriff's department was glad it had to pay “only” \$45,000.

The department was painfully aware of the uncertainty about what ruinous costs a jury might impose on the deputies.

The real scandal goes far beyond the case of Herman Cain and his accusers. The real scandal is that the law allows people to impose heavy costs on others at little or no cost to themselves. That is a perfect setting for legalized extortion.

The fact that neither judges nor juries always stick to the letter of the law means that people who have zero basis for a lawsuit, under the law as written, can still create enough uncertainty to extract money from people who cannot afford the risk of going to trial.

As for a \$45,000 settlement, that is what an organization would pay to settle a nuisance lawsuit — if they are lucky.

If we had a legal system where judges threw frivolous cases out of court, instead of letting them go to trial, that would put a damper on legalized extortion.

If those who bring charges that do not stand up in court had to pay the other party for their legal fees — and should have to pay for their time as well — these games could not go on.

It turns out that the women making televised charges against Herman Cain have past histories that do not inspire confidence, including in at least one case a history of making similar complaints against others.

Another woman who has come forward tells of Herman Cain asking her, at some conference, to see if she could locate some woman in the audience who had asked him a question, so that he could take her to dinner. This apparently struck her as suspicious.



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This too reminded me of something I knew about personally. Many years ago, I was at a conference where a woman made some very insightful comments, and I took her to lunch to continue the discussion.

It so happens she was a nun. Contrary to cynics, there is more than one reason for a man to take a woman to lunch or dinner.

The same mainstream media whose responses to proven charges against Bill Clinton was, "Let's move on," is not about to move on from unproven charges against Herman Cain.

What role does race play in all this?

It is probably not racism, as such, that motivates these attacks on Herman Cain. The motivation is far more likely to be politics, but politics makes a prominent black conservative like Clarence Thomas or Herman Cain far more dangerous to the Democrats than an equally prominent white conservative.

The 90 percent black vote for Democrats is like money in the bank on election day. A prominent black conservative who offers an alternative view of the world is a serious danger politically, because if that alternative view has the net effect of reducing the black vote for Democrats just to 75 percent, the Democrats are in big trouble at election time.

In this political context, merely defeating a black conservative at the polls or at confirmation hearings is not enough. He must be destroyed as an influence in the future — and character assassination is the most obvious way to do it.

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