

UBER, THE COURT AND MOCKERY OF JUSTICE

The government whether federal, state or the city has a divine as well as fiduciary responsibility to protect not only the lives of her citizens but also their properties and investments so any reckless person or company would not come and destroy them. And normally they do this protection through the law and police in civil society. God in his divine wisdom instituted the government as an institution to maintain order, as without order there would be anarchy (Roman 13).

The city or local government in Chicago is made up of the Mayor and the City Council of Aldermen. They have the authority to regulate and enforce the legislation within the city. Naturally commercial transportation industry is among the numerous businesses or institutions within the city they regulate and enforce the compliance therewith. The beauty of it all is that, like any government regulation(s), each regulation applies equally to all the competitor companies or individuals in the industry. For example, utilities regulation applies equally to all the utility companies and so all auto mechanic shops equally follow the auto Mechanic Shop regulation. Likewise, the airline regulations are equally followed by all the competitors in the airline industry.

Wisemen in our day should explain or tell us why Uber from day one when they entered the public vehicle or commercial transportation business did not start with private cars and drivers, when they knew very well they were a “technology company” and therefore the public vehicle regulation did not apply to them? In other words, by every standard of measure Uber is doing precisely the same thing taxicab industry is doing, providing commercial transportation service with a car and charging a fare or money. If by merely putting a mobile phone and a GPS in a car the public vehicle regulation applied to the taxi industry suddenly does not apply to them today, why do they think it would have applied to them back then from day one when they entered the industry and initially used taxi drivers? This is where Uber’s lies and deception artfully camouflaged behind its label of “technology company” becomes apparent. And this is also where the city governments which is tasked with regulating the car for hire industry should have immediately intervened and stopped Uber and the so called “Ride Share” companies from using private cars and drivers. This was exactly what Uber feared would happen to them had they started with private cars and drivers and hence they did start with taxi drivers.

As explained above this blatant injustice and unfairness eventually moved the taxi industry to go to court. Unfortunately, what they ended up receiving was “mockery of justice.” From the lower courts to the federal appeals court all the judges according to the media agreed that Uber was legitimate “competitor” with a “business model” unique to the commercial vehicle industry. Fine and good enough! If these judges agree Uber is a competitor to the taxi industry why then are the Public Vehicle or Car for Hire Regulation applied to the taxi industry not applied equally to them and all the so-called ride sharing companies. Yet, these learned judges still ruled against the Taxi Industry whose appearance in the court was to seek fairness and equal treatment under the law, (The 14th Amendment Clause), by leveling the play field between the taxi industry and the so-called ride sharing companies. The latter’s name “Ride Sharing” is funny. They did not need a new name to do what the taxi industry has already been doing.

Quoting from the Chicago Sun Times report from the court, “In the landmark ruling last fall against the taxicab industry, Federal Appeals Court Judge Richard Posner likened the regulatory issues to cities that license dogs but not cats. He said treating Uber drivers like cabbies would effectively protect the taxi business from competition. “Indeed, when technologies or new business methods appear a

common result is the decline or even the disappearance of the old,” Posner wrote then. Unquote, the whole framework of the learned judge’s logic and conclusion of the case leading to his ruling or decision against the Chicago taxicab industry which came to court to seek nothing but fairness, fair play and level playing field, is laughable and expounds the concept of “mockery of justice. For Justice Posner to look at Uber as a competitor to the taxicab business shows clearly that he does not know and understand that the taxicab business is not one company or business entity like Uber. And that, the taxicab business is a whole industry like the airline, banking, pharmaceutical, hotel, restaurant, and the telecommunications industry to mention a few. All the competitors in each industry including the taxi industry do so under the same government regulation. In Chicago for example if you break down to companies with 50 or more taxicabs you can have about 50 competing companies. But with 10 to 49 registered ownership then you are talking of over 100 companies not to mention hundreds of individual cab owners. These entities all compete in the industry under the government’s Public Vehicle or Car for Hire Regulation.

Another laughable matter is when the Appeals Court Justice Posner legal analogy comparing Uber and the taxi companies to cats and dogs is a lie. Uber has changed nothing. The dynamics or the nature of picking up a passenger in a car from point A to point B and charging a fare (car for hire) has not changed and that is why car for hire regulation ought to apply equally to Uber and the so- called ridehailing companies. Indeed, that is exactly why the taxi industry people went to court for a level playing field between Uber and the taxi industry be enforced seeing the blatant unfairness and injustice being meted to them by the city government(s). The judgement received by the Chicago taxi industry is a classic example of what the public is witnessing today as some judges sit on the bench and make their own rules instead of interpreting the existing law, as for example the 14th Amendment Clause of the U.S. Constitution that explicitly call for equal treatment under the law, or the city(s) car for hire regulation which allows the taxi industry to legally operate the public vehicle business.

In truth and properly stated, Uber is an “APPS” company. They did not invent commercial vehicle transportation nor were they the first to utilize a 3rd party application to transport passengers. They merely with the aid of APPS use the phone to connect passenger clientele to chauffeurs just like banks and many businesses including the taxi industry use it(APPS) to do business with their clients. In fact, Uber was not the innovators of the passenger location technology, which became the basis for their ridesharing technology. Both the Radio dispatch proprietors and Gandalf, which assist cabs in picking up passengers, could have put their technology in private cars and properly claim the same defense as Uber. But they did not because of the public vehicle for hire regulation. What then is the city government(s) doing now, with Uber still using private cars and drivers and not complying to the car for hire regulation, now that the taxi industry has also come up with their own APPS (Curb, ARRO, and CTA) for hailing taxi? In other words, if Uber APPS application made them a “technology company” then the taxicab industry is equally a “technology company” now that they have their own APPS (Curb, ARRO, and CTA). So why is the same regulation not applied to both (Uber and taxicab) competitors? That’s why Prophet’s Ministry calls for the taxicab industry to take the matter direct to the American people in a democracy with street protests.

It’s true with the judge Posner’s assertion that, when modern technologies or new business methods appear, a common result is the decline or even the disappearance of the old. The death or decline that modern technology brings is always natural and not artificially instituted by the government as is the case with the city government and the court’s handling of the taxi industry and Uber’s case. Indeed, when the automobile industry appeared in the late 19th and early 20th century, it for the first

time killed naturally the horsecar transportation industry which was the means of road transportation since the days of ancient civilizations. However, it did not kill the railway transportation which is completely different from the automobile transportation even if the former (railway) suffered some decline. However, when the steam engine and later the diesel and electric engines technology appeared they did nothing to destroy the train or railway industry. The whole industry just switched to the modern technology. So, when the steam engine arrived it did not destroy but was just applied to the shipping industry which hitherto depended on the wind and sailing boat. The computer technology was not used to destroy the Chicago Board of Trade and the Mercantile Exchange industry. What transpired is that, all the companies in these two industries no longer meet in a big pit and trade. They all sit behind computers and do their trading quietly.

Uber could have sold the mobile phone technology to the whole taxi industry. But if they want to compete fairly they should have come into the industry, start their own taxicab company and compete under the same government industry regulation and use their so called mobile phone technology which ended up being an APPS, to pick up their passengers. Similarly, while the computer technology for example has naturally reduced the travel agency industry's business it has not destroyed it. Even though this change is natural where people can go into the computer and book their airline flights instead of using the Travel agents. Indeed, there are still travel agencies around because some people and companies use them.

Judge Posner failed to note that two predecessors, the radio dispatch and Gandalf, did the same thing Uber claims to, picking up people from their homes, offices and the street the mobile phone technology is doing today. And when the two technologies arrived they could have been put in private cars as they are in taxis or commercial cars and pick up passengers as Uber is using private cars and drivers today. But they couldn't because of the existing Public Vehicle Regulation then and as it exists today required you to use commercial car with commercial license plate, commercial insurance, and most important of all a medallion before you can do car for hire business. Even aside from the law, common sense teaches us from the fact that, Uber doing car for hire service throughout the whole country is doing commercial business, and this therefore should have helped the courts arrive at just and fair decision and place Uber and the taxi industry on the same level play field the latter had sought with their law suit. But to merely conclude that Uber is a competitor to the taxi industry and rule for them when the same regulation is not applied to both competitors makes no sense especially where all competitors in every industry in the world face the same regulation. Again, and historically Uber came into the "Car for hire" or taxicab service and started with taxicabs and taxi drivers instead of private cars and private drivers. Uber then started Uber X and moved the mobile phone from taxicabs into private cars which should have been a hint to Judge Posner that Uber and her lawyers were lying with their technology and business model argument.

Why do the judges who ruled against the taxi industry don't believe the government is giving an undue advantage to Uber such as using private cars and drivers, fix their own price instead of the taxi cab industry's regulated government meter price and their (Uber) cars don't go for city safety inspection and therefore is an unfair competition? The latter reason is why the taxi industry went to court in the first place only to get "mockery of justice" ruling. Whatever argument the lawyers on each side of the case did put up in the court the fact remains the same that, Uber is doing precisely the same thing the taxicab industry is doing, "car for hire business." Only the Uber uses lies and deception hiding behind the mobile phone technology which in its entirety has changed nothing. They still use a car like the taxi

industry to pick up a passenger from point 'A' to point 'B' and charge a fair or money (car for hire). However, if the mobile phone technology now makes it possible instead of a car to use an airplane, boat, train, or even the bike to pick up the same passenger from point 'A' to point 'B' then Uber has a case with the new mobile phone technology. After all, the mobile phone technology is used to do many things in many industries today in banking, commerce, bill payment, etc. All you need to do is to build an APPS like Uber and the so- called ride-share companies.

Uber's use of private cars and drivers to do the work of the public vehicle or commercial transportation business (car for hire) in defiance of the existing public vehicle regulation goes contrary to the whole norm of civilization. Commerce and industry or business have always foster the growth and advancement of civilization. Hence commerce is always separated from private life. From Uber's logic of doing commercial business with private cars and drivers, for example, package delivery businesses like the UPS and Federal Express could as well use private cars and drivers to deliver their packages instead of the thousands of commercial trucks they use and thousands of professional employees who work for them. Look then at the whole economic benefit they generate to society such as commercial license plates and insurance on the trucks, truck manufacturing companies having business manufacturing the trucks for them and the government's tax revenue on the trucks and commercial license plates, etc. Likewise look at the benefits the cities derived from the taxi industry in terms of revenue such as the issue of medallions and the annual medallion fees on the taxicab and commercial license plates as well as commercial insurance for insurance companies. So, meter and car manufacturers all benefited from the commercial nature of the business of taxicabs. But if private cars are used for commercial business where is the benefit to manufacturers of cars when they are not making additional cars to meet the commercial demand of new cars?

Also, worth noting is the false message of thousands of employees they say they hire. The truth of the matter is that most of their employees are pensioners and people already having their permanent jobs and work part time. After all, all you need is to have a mobile phone in your car and then you are working. Listen to their advert where they put you to work in spending 5 minutes to sign up with them. Our judges who couldn't see Uber's lies and tricks must now furnish themselves with the Hailo Apps company from London, England who started with Uber using taxi drivers and have since left the North America market when it wasn't profitable. They could have switched to using private cars too. But they respect the fact that there is a Public Vehicle Regulation(s) for car for hire business, and didn't want to disrupt the taxi industry business who were complying to that regulation.

Again, and most important of all, did the learned judges not care, that their ruling allowed Uber to compete against the commercial vehicle industry but not on a fair and level playing field, and with the Uber using private cars and drivers drive down the legitimate investments in medallions and make them worthless? What then is the answer for the mess the court ruling has created for the taxicab industry when overnight they have lost millions if not billions of dollars of their legitimate investments in medallions? God whose divine truth carries the mantle of true justice may help them. And that is why the Prophet's Ministry has taken the center stage in leading the taxicab industry nationwide to come up with the right solution to the interruption and the mess Uber technology lies and deception have caused the taxicab industry.

The most painful part of the injustice the Taxicab Industry sustained came from The U.S. Supreme Court, the highest court of justice in the land. Refusing to accept the Taxi Industry case with

Uber for a leveled playfield for all (competitors), the Supreme Court said the case was “legally unnecessary.” Why not? Doesn’t this case sound like the U.S. Constitution’s “equal treatment under the law” and therefore merits the 14th Amendment Clause? How can a nation which believes in “the rule of law” sit on the sideline and watch while Uber which does precisely the same thing the taxicab industry does – car for hire service, picking up the same passengers from the airport, convention center, hotels, offices, homes and the street and destroy the taxi industry with the former (Uber) fomenting calculated lies and deception, hiding behind the “mobile phone technology” and “business model?” The phone technology has changed nothing. The nature of car for hire service has not changed with the use of the mobile phone. It is just one method or way of picking up a passenger from point ‘A’ to point ‘B’ and charge a fare or money. As I have outlined there are several other methods such as the radio dispatch, Gandalf or computerized radio dispatch, street hailing, airport pick up, taxi company coupons and the apartment flashing light in providing the car for hire service. So how in a just world can two competitors fall under such different standards? The taxicab industry, is regulated by the government and the other regulates itself, sets its own standards and worse still fixes its own price at any time. If you dare add even a penny to the taxi meter fare the City of Chicago can find a taxicab driver up to \$1,000.00 while Uber can hike their rate 500% in a “surge” or busy time simply because the Public Vehicle regulation is not applied to them. It was for this ongoing injustice and unfairness that made the Taxi Industry go to court and all the way to the Supreme Court only to be hit with a court decision that will eventually and artificially kill the taxi industry. Federal Appeals Court Judge Posner would not give a fair and just ruling to place all the competitors on the same playing field if he did he would protect taxi drivers and the taxicab business from unfair and unjust competition. An analogy of this situation is akin to 10 athletes running a 100-meter race and you put two of them (Uber) 50 meters ahead. Then the other eight (taxi industry) protest and send the case to court and the judge rules that the race should go on, because if he ruled for all to start at the same point he would be giving a special protection to the protesting eight (taxi industry). Doesn’t this sound a “mockery of justice?” Well! That is exactly what the Chicago taxi industry got from a Federal appeals court.

The Uber business model argument has no merit at all. I don’t know why the court and the city government(s) have bought into it. We all know very well there are not any two businesses in an industry and are competitors who have the same “business model”. If you have 100 competitor businesses in an industry you would get 100 different “business models.” How can all, for instance the computer manufacturing companies or the automobile companies in their respective industries have the same business model. It’s palpably impossible. Therefore the “business model and the and the mobile phone technology” argument Uber is hiding behind to dodge the “Public Vehicle or Car for Hire” regulation and use private cars and drivers is a sham. All it does is, it allows Uber to operate free everywhere in every city, town or village with no overhead expenses in commercial vehicles, investment in medallion, mechanic and meter shops and host of technical and office staff to manage compliance to government regulation(s). Therefore, Uber makes \$7 billion or more profit in a year while the taxi companies are at the brink of bankruptcy. Therefore, in the words of a Federal appeals court judge the government should help Uber artificially kill or destroy the taxi industry because placing all the competitors (Uber and taxi industry) in an even playfield means protecting the taxi industry from competition, when in fact the taxi business is a complete industry of its own and have its competitor companies competing under the same government “car for hire” regulation. Hence in a proper terminology Uber is a “disrupter” of the taxicab industry. Truly, Uber’s founder Travis Kalanick already

earned the name “disrupter of institutions” with his previous two defunct companies in the business circle.

Therefore, all said and done, the Supreme Court was the last arbiter to bring justice and fairness to both Uber and the Taxi Industry, and yet downgraded the case and which the Chicago Sun Times newspaper headlined “U.S. Supreme Court deals taxi industry another blow.” In my solemn self I still cannot understand why the highest court of the land can refuse to hear a case involving a whole industry like the taxicab industry with hundreds and thousands of companies from city to city. And more so when her (industry) claim is that she has not been treated fairly and justly in a competition in a capitalist and democratic society. What good then is the 14th Amendment Clause i.e. equal treatment under the law in the U.S. Constitution if the highest court in the land say the taxi industry case is “legally unnecessary?” As a matter of fact, the heart of the capitalist economy is free and fair competition. How can the people and companies in the industry arbitrary lose their cash investment in medallions when the rule of the game when they came in the industry and still is when Uber also came in, is that you ought to have a medallion on a commercial vehicle before you can do “a car for hire business?” As the taxi industry is desperate and does not know what to do to save herself, their help comes from the Lord God who gives divine justice and “Solomon’s wisdom” that will save them. The blessing of Solomon’s wisdom will make us discover Uber’s lies and deception hiding behind “technology and business model” and using private cars and drivers doing commercial car for hire business. Then will follow the necessary action to remedy the crisis Uber has created for the taxicab industry. Hence the Prophet’s Ministry taking the center stage to lead a nationwide action to remedy Uber’s unlawful disruption of the taxicab industry through street protests with the taxicabs. This then will bring the matter of justice and fairness denied them by the government (city and court) to the American people who in a democracy have the final say of power.