

FREE NEW YORK

The Libertarian Alternative

December 1986

THE BATTLE OF THE WORDS DEPARTMENT

I still hear knowledgeable and thoughtful libertarians referring to "Public Schools" or maybe they mean "Publik Skools" but I want to spread the use of more direct and "de-euphemised" terms for which I nominate "Government Schools." It is amazing the double takes this appellation causes, but no arguments. This particular adjective has greater power for us in our every day use than any other I can think of off-hand. Government planning boards, government roads, government protected banks, government controlled insurance companies, etc. Unfortunately this list is long, but I doubt it will get shorter unless we attack with de-euphemisers.

THE SEAT BELT LAW REVISED

The Libertarian Party is often looked at from the OUTSIDE as the party of negation: repeal the seat belt law, end the income tax, stop the draft, end regulation, eliminate the FDA, etc. This is an image of denial, of negatives. WE know that freedom is not a collection of negatives. It is, rather, the positive - the vastness of choice. The libertarian movement must convey this spirit if we are to attract more people with our message.

Self-government advocate Marshall Fritz has been doing a good job on this front. If I may paraphrase from memory, "We need 10 FDA's all competing, all private to provide us with more protection."

In that spirit I propose that instead of a quest for the repeal of the seat belt law and being known as the party of voluntary maiming and death, we should call for a "Revision to the Mandatory Seat Belt Law" to allow people to obtain lower insurance rates for the use of seat belts. Higher rates would prevail for those who don't.

HUH? SAY THAT AGAIN?

Overheard recently "There is a tradition in the New England area of very healthy distrust of government." This same person who was so nicely expressing something we libertarians hope to see later revealed that he was "of course a Democrat. I find that a screaming contradiction but apparently he didn't.

WHO KILLED CHRISTA MCAULIFFE?

By Howard Katz

Editor's Note

The following article is printed because it is thought provoking, well researched and well written. It is also rather shocking in its attack, but the concepts raised must be addressed. I have always had a soft spot for the space program, that is to say, it had always been my personal agenda. It was the last area to which I applied (but I did apply it) the libertarian principle of separation of state and enterprise. The events of the Challenger disaster vividly point out that principles must be adhered to, or a price will be paid.

It is simply one of the many libertarian arguments against a government sponsored space program that political pressures will interfere with the legitimate goals of space exploration. On the morning of January 28, 1986, that reality caught up with the American welfare state. Just as the fictional welfare state in ATLAS SHRUGGED made a major error in drumming up a giant audience which was then preempted by John Galt, the real welfare state has made a corresponding error by attracting a great deal of attention to one of its historic failures. The difference, however, is that the space shuttle disaster does not carry with it the knowledge of what caused the failure. That is the purpose of this article.

Examination of the photographs of the launch led the commission investigating the disaster to zero in on the O ring seals in the booster rockets (made by Morton Thiokol) on the theory that these seals became brittle in cold weather and would not function properly. For example, Allan J. McDonald, an engineer at Thiokol, told the commission that, on Jan. 27:

"I took that data (Tuesday's weather report) and called back to the plant and sent it to Bob Ebling and relayed that I thought it was very serious. I called Cecil Houston ...and told him about our concerns with the low temperatures and the potential problems with the O rings. And he said that he would set up a teleconference... . At that point in time, our vice president, Mr. Bob Lund, presented those charts. And he presented the charts on the conclusions and recommendations and the bottom line was that the engineering people would not recommend a launch below 53 degrees Fahrenheit."(1)

McDonald and all of the other Thiokol engineers were opposed to the launch

and expressed their objections in a telephone conference on the day before. Faced with the unanimous recommendation on the part of Thiokol engineers not to launch, the reaction of NASA management was quite interesting. McDonald testified:

"That temperature (53 degrees) brought a lot of strong comments and reaction from several of the NASA officials. I believe it was Mr. Mulloy made some comments about when we'll ever fly if we have to live with that ... One of the comments that came ... from Mr. Hardy at the Marshall Space Flight Center was that he was appalled at the recommendation."(2)

Despite the negative reaction from NASA, the Thiokol engineers stuck with their recommendation not to launch. Then Gerald D. Mason, senior vice president of Thiokol, dismissed the engineers and came back on the phone with three other members of Thiokol management. These four men reversed the engineers' recommendation and told NASA to go ahead with the launch. The reason for Thiokol's reversal became apparent from a further statement by Mr. McDonald:

"Well, I've been in many flight readiness reviews probably as many as anyone in the past year and a half at Thiokol. And I've had to get up and stand before, I think, a very critical audience at Marshall, and very good ones, justifying why our hardware was ready to fly. And I have to get up and explain every major defect and why we can fly with that defect.

"There's a lot of this critical processes. And I have to address every one of those to great detail as why I'm sure that that part has not been compromised. And it's been that way through all the reviews I've ever had. And that's the way it should be. It's not pleasant, but that's the way it should be. And I was surprised here at this particular meeting that the tone of the meeting was just the opposite of that. I didn't have to prove I was ready to fly.

In fact, I think Bob Crippen made the most accurate statement I ever heard. His conclusion in that meeting was that the philosophy seemed to have changed because, you know, he had the same

impression that I did -- that the contractor always had to get up, stand up and prove that his hardware was ready to fly. In this case we had to prove it wasn't, and that's a big difference. And I felt that pressure."(3)

What happened at Thiokol on January 27, 1986 should be clear to every student of the Winston Tunnel disaster in ATLAS SHRUGGED. There were two sets of men: those concerned with the physical reality and those concerned with the political reality. The engineers were the first type; they recommended against the launch. The managers (both Thiokol managers and NASA officials) were the second type; and they understood that the launch had to go ahead.

The crucial person in this scenario was Bob Lund, vice president for engineering. The behavior of Mr. Lund in this crisis is a model - of the Reagan Administration, of NASA, and of the United States in the second half of the 20th century. As head of the engineers, Lund was both an engineer and a manager. In the first portion of the teleconference and speaking for the engineers, Lund recommended against the launch. After Mason dismissed the engineers and called in the managers, he asked Lund to "put on his management hat." Lund then joined the three other managers in recommending going ahead with the launch.

On surface level, this is the answer to the question of who killed Christa McAuliffe and the other astronauts and caused the shuttle disaster: Bob Lund, by betraying his own judgement, and the other NASA and Thiokol officials, by ignoring the engineers' recommendation. But such a conclusion would not answer the deeper question of why there was such a reversal of normal NASA procedure on January 27, 1986.

The dominant American view of ethics holds that every person is born with an ethical sense (a conscience) which he cannot fail to understand and that he always knows when he commits evil. This view would say that Bob Lund knew what was right but chose to do wrong. That is not the reality. Philip M. Boffey, writing for the NEW YORK TIMES, reported:

"Mr. Lund was repeatedly asked by the

commission to explain his change of heart because he presided over the earlier meeting of Thiokol engineers that recommended unanimously against launching at low temperatures. He reversed himself after being asked by Mr. Mason to shed his role as an engineer and take the role of a management person.

Mr. Lund said he had not even realized at the time that he had reversed position because he had been pushed into an unfamiliar role by NASA's demands that "we had to prove to them that we weren't ready to fly."(4)

The Objectivist view of ethics holds that ethics is a science which men have to discover and that each person has the power to either attempt to see reality as it is or to attempt to evade it. Lund had achieved the most important characteristic of the modern welfare state official, the ability to erase from his mind his own convictions and also to erase the fact that he had done so. He did not realize that he had reversed his position. He is the type of person against whom Ayn Rand warned us by introducing in, ATLAS SHRUGGED, the character of the Wet Nurse, who states:

"you know, Mr. Rearden, there are no absolute standards. We can't go by rigid principles, we've got to be flexible, we've got to adjust to the reality of the day and act on the expediency of the moment."(5)

FREE NEW YORK

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decision. In fact, so many of these people have said "it's not my fault" in so many different ways that the media is now talking as though no human being were to blame and that the fault lay with the decision making process.

What is really repugnant in view of the fact that seven people died because of this decision is that the hearings have not revealed a single shred of remorse. Nobody broke down and cried on the stand; nobody's voice cracked; nobody impressed the reporter as being shaken. Instead, there is a defiant, "just my luck" attitude. That is, "The commission needs a scapegoat, and, just my luck, they have decided to pick on me."

When Christopher Columbus landed on Santo Domingo, he made a notation in his log to the effect that the native Indians were remarkably submissive and docile. Why would Columbus, who was an intellectual, be interested in such a characteristic? The answer is, his expedition was financed by the Spanish sovereign, a person who made a practice of subordinating and exploiting people. The fact that the Spanish immediately enslaved and destroyed the native tribes of the West Indies was not an accident. It was the inner logic of a government sponsored program. "Whose bread I eat, his song I sing." When the government pays the bills, then the program does what the government wants it to do.

The hearings on the shuttle disaster have only confirmed what any intelligent person who moves around in our society already knows. Those warnings of almost 30 years ago have come true. The overwhelming majority of the people who are running our society - meaning those holding the responsible positions in government and large portions of industry - are Wet Nurse types. They are people for whom the only reality is political: if the political forces decree that the launch must go forward without delay, that is the only thing that matters. And so, when Bob Lund is asked to don his management hat, he understands that he must leave PHYSICAL reality aside and give the ruling required by POLITICAL reality. The testimony before the commission reeks of the Wet Nurse philosophy as the various management officials attempt to rationalize their

What did the Government want the space shuttle program to do on January 28, 1986? It wanted it to put a teacher in space. Christa McAuliffe was the centerpiece of this venture; she was the reason that the eyes of the nation were focused on this particular launch. And why put a teacher in space? Well, President Reagan had promised in the 1984 election campaign that he would do just that. When the big fish speaks, the medium-sized fish jump, and the little fish jump further. How very characteristic of the welfare state that in this chain of command the only men who were concerned with physical reality were those at the bottom with the smallest amount of authority.

Why did the President want to put a teacher in space? Here we must understand the conservative mind. The teacher in space was a way to win "liberal" support for the space program. It pushed all the "liberal" buttons: the peaceful exploration of space, woman's lib, education, science; they had to support it. And having supported it, they would inadvertently be supporting President Reagan's first love, the use of the space shuttle for military purposes. And the brilliance of the plan was that, even if some of the more intelligent "liberals" in the media saw through it and opposed the shuttle, it would be too late. Public attention would have been captured by the spectacular event, and the arguments of a namby-pamby peacenik would be lost in the chorus of hurrahs.

That was the theory. But in practice there were difficulties. The launch was delayed several times. If the January 28 date was missed, there were not many other opportunities. There were pressures from above, from the men who were not concerned with physical reality.

This is the answer to our question: Ronald Reagan killed Christa McAuliffe. He is the man who created the political pressure which, through the chain of authority, overrode the decision of the Thiokol engineers that a launch would be unsafe. He killed the seven astronauts, he and all the NASA officials and all the Thiokol management and all the congressmen who vote funds for the space program and all the voters who vote for these congressmen.

What many people fail to comprehend is that George Orwell was right when he described the world of 1984. If we understand his use of fiction to draw a picture larger than life, then we can see that the world against which he warned us is the world in which we live. So it is no surprise that it was Ronald Reagan, the man responsible for their deaths in the deepest sense, who led the nation in mourning the astronauts, who declared them heroes, and who vowed to carry on their goal. After all, war is peace. This too was required by the logic of a GOVERNMENT space program where the serious exploration of space must be subordinated to circus-type stunts designed to retain public support. When a public relations stunt blows up, the good PR man has a couple of fall-back positions: a period of public mourning, a laying of wreaths, a couple of mass spectacles and pretty speeches. It's no big thing really. After all, maybe the next PR stunt will work.

And what of the commission? Will it follow the trail I have indicated in this article and find out who killed Christa McAuliffe? Isn't it very clear from the testimony which has already come out? Alas, the commission investigating the shuttle disaster is the PRESIDENTIAL investigative panel. Its members were appointed by the President. They, too, are political animals, and I do not believe that they will find their boss guilty of negligence leading to manslaughter.

The conservative-libertarians of the mid-20th century were right, and their warnings have come true. This is America, but it is not the America of Daniel Boone, Thomas Edison or the Wright Brothers. This is the America of Robert Lund. It is the America of the failed rescue mission in Iran. It is the America which beats up on small countries and calls itself heroic. It is the America where things do not work and where expectations are disappointed by reality.

Allan McDonald emerged as the true hero of the shuttle inquiry. He is the engineer who fought longest and hardest against the launch. However, I doubt that he will get a medal. I don't believe that Thiokol's management will forget the way he humiliated them. I know

that NASA officials will not want to give contracts to companies which harbor "troublemakers" who do not know who pays the bills. McDonald's mistake is the same as that of Hank Rearden. He expects that the people in authority in his society will listen to reason and pay attention to reality. He expects to be rewarded for doing good and punished for doing bad. He attaches his personal ambitions to the system, thinking that his security lies in his ability to do his job. He thinks that the political weasels he sees around him will fail. He does not understand how Bob Lund got appointed manager over him. He thinks that it is in his self interest to support the system, moral considerations aside. Many libertarians make the same mistake. They support the libertarian cause on moral grounds but think that their personal ambitions can be satisfied by the system. They work for regulated monopolies or government subcontractors. They explain that there is a moral course of action and a practical course and that they are trying to balance the two. They expect to be promoted for being honest and doing a good job, just like Allan McDonald does. When they find themselves in the position of Dave Mitchum (the division superintendent in charge of Winston Tunnel in ATLAS SHRUGGED), they will discover whether their choice of career was really in their self interest.

NOTES:

1. Allen J. McDonald, "Key Sections of Testimony in Inquiry on Challenger Explosion," NEW YORK TIMES February 26, 1986, Pg. D6.
2. Ibid.
3. Ibid.
4. Phillip M. Boffey, "Rocket Engineers Tell of Pressure For Launching," NEW YORK TIMES, February 26, 1986, Pg. D7.
5. Wet Nurse, ATLAS SHRUGGED, by Ayn Rand (New York Signet), Pg. 343.

A VISION OF FREEDOM

Can you visualize how much better off you would be without the oppressive income tax sapping your wages? Can

you visualize how many more productive jobs there would be with more wage capital being spent in United States markets? Because without a vision of freedom there will be no action, and without action on the people's part, there will never be freedom in reality. Because the President won't send the Executive Order to the IRS to stop the harassment and the Congress won't come up with a bill to abolish the income tax ... until everyone of us begins to act. To start with, this is what you do now ... pick up a pen and begin to write ...

"Dear President Reagan:

I have heard you talk many times about how bad the income tax system is. As Chief Executive Officer, you can put an end to IRS abuse. When are you going to issue an order to IRS to immediately stop ..."

"Dear Congressman Pork-Barrel:

I want you to come up with a bill this week to abolish the income tax. Send me a copy of the bill by weeks end. I will be calling your office next week. ..."

E. Kevan Rowlee

BACKGROUND INFORMATION:

E. Kevan Rowlee is the founder of the New York Patriot Society for Individual Liberty Association which is involved with the Christian Reconstruction of

our country and the free market system. Rowlee is married, the father of four children and one grandchild.

In 1984, Rowlee ran for Congress as a Republican in the 29th District of New York and was defeated in the primary by 12-term incumbent (and very liberal [statist]) Frank Horton. Rowlee's platform was to reduce spending, eliminate government agencies, abolish income taxes, and to rid the marketplace of government interference.

In 1985, Rowlee attempted to have the IRS join with him in a civil suit for the purpose of causing constitutional tax reform in the courts before a jury of competent peers. The IRS bureaucrats would have nothing to do with the civil suit and will move to have the civil suit dismissed if the tax reformer files it himself.

In 1986, the IRS raided Rowlee's home with 24 armed bureaucrats and city police, wearing bullet-proof vests and

carrying cans of mace. The bureaucrats routed Rowlee's wife and daughter from their bedrooms, plundered the family home for 5 hours, and carted off a truck load of private property, including private mailing lists of patriot associates and even typewriters.

Rowlee appeared April 13, 1986 on the popular Sunday afternoon TV Newsmaker's Show in a scheduled TV debate with the IRS and US Attorney over the income tax. A VHS tape of the half hour show can be ordered from the station (WIXT TV-9 ABC, 5904 Bridge St., East Syracuse, NY 13057) for showing to high school classes, college law classes, police departments, local newspaper editors, other TV stations, ministers, and Sunday School classes.

MONSTER 1

A FAIR MONSTER?

According to the Wall Street Journal, "various polls have shown that people consider the current tax system unfair because the wealthy, they believe, don't pay their fair share of taxes." Further, the Journal says, "people still have doubts about whether the new system will be fairer." The new tax code will be different and new. The legislators can show everyone that they tried their best to help correct this "unfair system."

But there is no fair way to force people to hand over their money. The dissatisfaction most people feel about the tax system may recognize this or it may not. Most of us would prefer the money to be taken from "the other guy" until we recognize the crime of this, too. We are all "the other guy." Rewriting the tax code to make it more fair is similar to saying that the crimes of Nazi Germany could have been lessened if they exterminated a fairer cross section of their population and didn't concentrate (pun intended) on Jews, homosexuals, gypsies and handicapped. Or perhaps in 1865 we should have rewritten the laws concerning slavery: instead of abolishing it we could have made it more fair by spreading the onus to all strata, perhaps we could all be 15% slaves.

The monster of government taxing is being redirected on the land. The businesses are the current "other guy." The businesses are to be moved more to

the front lines, as if the businesses are not us. So the government will enslave a slightly different section of us and the few who appear to suffer less will feel the code is fairer. There is an opportunity though, in the smoke and dust raised by the battle, that the government may miss and then a few more will evade the monster.

SUPREME COURT DECISIONS A Libertarian Perspective

by Norma D. Segal

The Supreme Court recently passed two decisions that to many would seem contradictory. Within three days affirmative action was held Constitutional, while a Georgia state law forbidding sodomy was upheld. Libertarians are the only people not in the least bit baffled by these two seemingly contradictory actions: one delighting the liberal, the latter making the day of the conservative.

The reason the libertarian is not stymied is that both actions are recognized for what they are -- gross infringements by government on the private life of the individual. The government has no more right to deny the individual the power to hire or not hire whomever he or she wishes than it does to regulate non-coercive human conduct. Most Libertarians personally abhor sexism and racism as they are in contradiction to the state of pure capitalism. (Voltaire: "There are no bigots on the stock exchange.") However, we would never applaud any action by government that undermines the right of the individual to subjectively choose employees, knowing only too well that giving the government license to violate one right endorses the general violation of individual rights as an acceptable action.

Libertarians advocate freedom across the board. To paraphrase the writer Robert Ringer, you cannot be free in one area and not free in another; there is nothing to prevent indiscriminate abuses of freedom, individual desires being at the mercy or whim of the group holding power at the moment. You either have the situation of freedom or you do not. You either choose freedom or you do not.

THINGS YOU CAN'T DO IN WESTCHESTER

Reprinted from Westchester-Putnam Libertarian Party News

When Moses came down from the mountain with his stone tablets, he had ten concise, easy-to-understand laws that were intuitively sensible. Modern temporal legislation generally does not meet those criteria. You may recall that in Issue 2, we examined the White Plains zoning ordinance and found that in many parts of the city, three unrelated, or distantly related people could not share the same dwelling unit.

As a regular feature of the W&P LP News, we would like to inform our reading public of the peculiar things you cannot do in Westchester. In this issue we would like to bring to your attention a new ordinance in the village of Tuckahoe. According to the Reporter Dispatch, the village board "passed an ordinance limiting merchants from covering more than thirty per cent of their windows with signs and advertising."

One reaction is to get steamed over the fact that once more Big Brother (or in this case, Little Big Brother) is telling people how to run their businesses. But in order to soften the impact one might get his jollies from speculating the motivation for proposing this ordinance and the debate that may have ensued. (Is this a form of protectionism for window dressers?) One could also ponder the sight of a patrolman with his tape measure and pocket calculator on his belt, measuring the windows and the signs and doing the calculations, while someone is being robbed.

MONSTER 2

THE MONSTER BEHIND THE MASK

Reprinted with permission from: National Committee for Monetary Reform, 4425 W. Napoleon Metairie, LA 70001

Most Americans think rather kindly of our government. The "Uncle Sam" personality has served us well. Not a "Big Brother," not a tyrannical father,

but a kind and moderately paternal "Uncle."

But the fact is, behind the mask, our "Uncle Sam" is, without a doubt, the most massive, impersonal and powerful institution on earth.

The numbers are shocking: The government employs a total of 4.9 million people. Counting social programs and salaries, an estimated 51% of all US households receive a government check every month!

The government occupies 2.8 billion square feet of office space. If it's hard for you to imagine what 2.8 billion square feet of office space looks like, think of an office building one mile wide -- and one hundred miles long.

THE OPPORTUNITY OF JURY DUTY

Serving on a jury can be a contribution to society; that is, it can help to insure justice and therefore the preservation of a just society. Without a just society there can be no personal freedoms. Being FORCED to serve on jury duty, however, is a form of involuntary servitude: it is another of the ways in which the government makes claims on your freedom.

Jury duty can be resisted or avoided, and that should be your right, or you can serve when so ordered. Only if you serve on a jury can you use the opportunity discussed in the following article. The article is reprinted from the American Liberty Society with permission and I believe it is worth your consideration. To show the attitude taken by many courts on this matter I will first supply some relevant quotes from: A HANDBOOK FOR TRIAL JURORS - SIXTH JUDICIAL DISTRICT

"The oath taken by a judge and a juror requires each of them to apply the law as it is. Neither one is free to disregard the law because he thinks that it might be better otherwise. Laws are made, repealed or changed by the legislature and the appellate courts. Trial judges and jurors do not make laws -- they only apply them, and they must be careful not to usurp power which does not belong to them. People depend on the law, as it exists, to know what their rights are, and to decide what they may

or may not do. People should have no reason to doubt that the jurors will uphold the law in accordance with their sworn duty."

"In a criminal case the prosecution is brought on behalf of the People of the State of New York by an 'indictment' or 'information' either of which is only an accusation."

"The judge's instructions in his charge to you are the laws which you must follow."

"Every part of the court's charge is important. What the judge tells you in his charge may not be obvious to you, but rest assured that the analysis of the law is the result of the accumulated knowledge of judges for several hundred years. Under your sworn duty as a juror, you should follow these legal instructions despite the fact that the logic of the rule may not be apparent to you at once."

A HANDBOOK FOR JURORS
Reprinted from a publication of The American Liberty Society.

HAIL TO THE JURY - OUR DEFENSE - BOTH YOURS AND MINE - AGAINST THE USURPATIONS OF AN OPPRESSIVE AND TYRANNICAL GOVERNMENT... .

MAGNA CARTA, the great Charter of our liberties was wrung from a frightened would-be dictator-king at the point of a sword over 700 years ago, and is by far the most important legal document supporting our federal and state constitutions.

You - as a juror - armed merely with the knowledge of what a COMMON LAW JURY really is and what your common law rights, powers, and duties really are, can do more to re-establish "liberty and justice for all" in this State and ultimately throughout all of the United States than all our Senators and Representatives put together. Why? Because even without the concurrence of any of your fellow jurors in a criminal trial, you, with your single vote of NOT GUILTY can nullify or invalidate any man-made law involved in a case that, for one reason or another, ought not to be enforced.

If you feel the statute involved in any criminal case being tried by you is

unfair, or that it infringes upon the defendant's natural God-given inalienable, or Constitutional rights, you must affirm that the offending statute is really no law at all and that the violation of it is no crime at all - for no man is bound to obey an unjust command. Which means if the defendant has disobeyed some man-made criminal statute and the statute itself is unjust, that defendant has committed no crime. Jurors - having ruled then on the justice of the law involved and finding it opposed in whole or in part to their own natural concept of what is basically right - are bound to hold for the acquittal of said defendant.

Your vote of NOT GUILTY must be respected by all other members of the jury - for you are not there as a fool, merely to agree with the majority, but as an officer of the court and a qualified judge in your own right. Regardless of the pressures or abuse that may be heaped on you by any or all members of the jury with whom you may in good

conscience disagree, you can await the reading of the verdict secure in the knowledge you have voted your own conscience and convictions - and not those of someone else.

Therein lies the opportunity for the accomplishment of the "liberty and justice for all." If you, and numerous other jurors throughout the state and nation begin and continue to bring in verdicts of NOT GUILTY in any criminal trial - a fact that could prove to be of more than passing interest to you should you yourself be the defendant and your accuser happen to be the government.

A JURY'S RIGHTS, POWERS AND DUTIES

The Charge to the Jury in the First Jury Trial before the Supreme Court of the U.S. illustrates the TRUE POWER OF THE JURY. In the February term of 1794, the Supreme Court conducted a jury trial in the case of the State of Georgia vs. Brailsford, et al, 3 Dall, 1 "... it is presumed, that juries are the best judges of facts; it is, on the other hand, presumed that the courts are the best judges of law. But still both objects are within your power of decision." (Emphasis added.) "... you have a right to take upon yourselves to judge of both, and to determine the law as well as the fact in controversy." (State of Georgia vs. Brailsford, et al, 3 Dall 1)

[Court systems may try to convince you this is not so: from A HANDBOOK FOR TRIAL JURORS - SIXTH JUDICIAL DISTRICT, "The charge of the court is the law as it applies to the case. This law you must accept and follow." Editor]

As the United States Court of Appeals for the District of Columbia has clearly acknowledged, there can be no doubt that the jury has an "unreviewable and unreviewable power ... to acquit in disregard of the instructions on the law given by the trial judge" U.S. vs. Dougherty, 473 F 2d 1113, 1139 (1972).

Or as this same truth was stated in an earlier decision by the United States Court of Appeals for the District of Maryland:

We recognize, as appellants urge, the undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by the judge, and contrary to the evidence. This is a power that must exist as long as we adhere to the general verdict in criminal cases, for the courts cannot search the minds of the jurors to find the basis upon which they judge. If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by the decision." US vs. Moylan 417 F 2d 1002, 1006 (1969).

The law as written and invoked by prosecutors, "demands conviction of persons whom local or even general opinion does not desire to punish." (See LAW IN BOOKS AND LAW IN ACTION, Dean Roscoe Pound, 44 American Law Review, 12, 18 (1910).) Hence jury disregard of the limited and generally conviction-oriented evidence presented for its consideration, and jury disregard for what the trial judge wants them to believe is the controlling law in any particular case (sometimes facetiously referred to as "jury lawlessness") is not something to be scrupulously avoided, but rather encouraged; as witness the following quotation from the eminent legal authority mentioned above: "Jury lawlessness is the greatest corrective of law in its actual administration. The will of the state at large imposed on a reluctant community, the will of a majority imposed on a vigorous and determined minority, find the same

obstacle in the local jury that formerly confronted kings and ministers." (Dougherty, cited above, note 32, at 1130.)

"The pages of history shine on instances of the jury's exercise of its prerogative to disregard uncontradicted evidence and instructions by the judge. Most often commended are the 18th century acquittal of Peter Zenger of seditious libel, on the plea of Andrew Hamilton, and the 19th century acquittals in prosecutions under the fugitive slave law. The values involved drop a notch (but are worthy of note nonetheless) when the liberty vindicated by the verdict relates to the defendant's shooting of his wife's paramour, or purchase during Prohibition of alcoholic beverages." (Dougherty, cited above, at 1130.) Rather than referring to the above as instances of "jury lawlessness," we would say it appears far more likely that they are examples of courageous adherence, by one or more jurors in each case, to the natural law of justice - tempered perhaps by the radiant glow of a little kindness, understanding, or mercy.

In addition, the trial judge is generally spoken of as "the judge" but this he logically cannot be in a trial by jury - for in every such trial, the judges, preferably twelve in number, are all seated in the jury box. THEY are there to try the case themselves as they see it, and not as somebody else sees it. This means that the trial "judge" is neither the judge, nor even one of thirteen judges, nor even any kind of "judge" at all. He is a judge, or rather the judge only in a non-jury trial. In a trial by a jury of twelve juror-judges, he is merely the headmaster in charge of procedure.

continued next issue....

HOW BIG IS BIG?

Did you know that the government:

- * Accounts for 25% of all U.S. economic activity?
- * Owns 744 million acres of land - one-third the US landmass?
- * Administers more than 400,000 single and multi-family dwelling units?

* Loans out more money than the nation's 70 largest commercial lenders ... combined?

* Provides medical care for 47 million people?

* Owns almost 437,000 non-military vehicles?

* Provides 95 million meals a day?

Naturally, any monster this big must have a big appetite. And the federal monster is no exception. It eats money - numbing amounts of the stuff. Every year, it collects and spends over \$2 trillion. That's about \$8 billion every workday ... \$1 billion every hour ... \$16 million every minute ... \$277,777 per second.

Of course, these numbers apply to the federal government only. If you consider the amount of money collected and spent by state, county and municipal governments, the numbers are even more mind-boggling.

According to the Grace Commission - President Reagan's blue-ribbon commission on federal spending and waste - total government spending will soar to \$7.4 trillion per year over the next 14 years. That will be an amount equal to \$107,636 per year for each household in America.

SCRIBBLES

From Life Extension Report Vol. 6, #9
1-800-841-LIFE

"Moreover, there have been statements by government officials and administrators at the National Institutes of Health to indicate that there may be a strong pocket of resistance in government to the idea of extending the human lifespan.

The US vs. USSR

"Yet life expectancy continues to go up in the United States in contrast to the decline in the Soviet Union. The ironic truth is that US government supported research is succeeding in extending life, despite the fact that the government doesn't support this goal, and that USSR supported research is failing to extend life, despite the fact that there is official government support for life extension."

Editor's comment: Perhaps it's not

"despite" the government positions but because of them. Yet the report goes on to suggest that the US government should support (read \$) such research. Government dollars are obtained by extraction from people's lives, reducing the quality of those lives. To ask for these dollars so they can be spent on your particular agenda is to be an accomplice. My support (\$) for life extension research will die when the government becomes involved.

Raves to Mad Magazine for the article "Mad's I.R.S. Agent of the Year" in the June 86 issue. Eddie Smurphy interviews Agent of the Year, Mr. Shylock Leach. Four pages of too many good quotes to repeat but the article begins with "Who is the most feared person in the world? No, its not an international terrorist or a mafia hit man or a guy who can push the button and start a nuclear war! Its a boring, wimpy little accountant who happens to be a man from the I.R.S.!"

ENGINEERING

ENGINEERING AND THE NYS BUILDING CODE

You have asked me to review and stamp a set of drawings. The design and/or review of a project's drawings is the opportunity to be sure the project will be both structurally and functionally up to accepted standards and will meet your needs. It is much easier and cheaper to revise a design with pencil than with a wrecking bar. My review and approval are often sought because of governmental requirements for a Professional Engineer's or an Architect's stamp. I would like to explain my position.

There is now in place the requirement that most construction projects meet a multitude of government mandates on the design for structure and fire safety reasons. I agree with the underlying intent of these regulations. I have seen many examples of poor design that needed revision, but the government enforcement of rigid dictates is not the best solution. I don't approve of governmental interference in private property rights for moral and philosophical reasons. The practical aspects also show that this interference stifles innovation and greatly increases

costs, thereby lowering the standard of living for all the productive people involved. The discussion of this subject occupies a vast body of literature which I could not afford the space to even describe here. However, this governmental interference exists, so if you wish the approvals I am both qualified and licensed.

I review designs for compliance with the NYS Uniform Fire Prevention and Building Code as it is written. In addition to the objections above, there are specific dissatisfactions I have with the code but I review for compliance with it AS WRITTEN and as I understand it, and when satisfactory I certify compliance.

I also include in my review acceptability by my professional engineering standards, as I apply them to someone else's property and choices, but that will carry my name. This review in many cases merges with the code review.

I also make suggestions to improve the design. These suggestions I keep to a minimum unless requested, and they are not binding. They can be the most satisfying part of this work because they most approach the design work which can integrate much of the knowledge I have acquired.

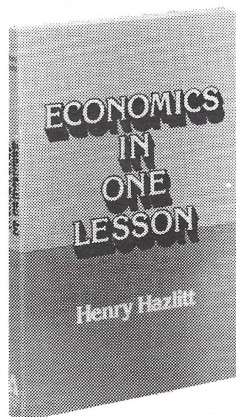
In conclusion, good design and review can provide a vastly improved project

and save huge amounts of money, so I think all projects should have this input. That is why I became an engineer. The governmental mandates which attempt to codify this process were instituted with this purpose in mind but they stifle innovation, escalate costs, and generally infringe on your freedoms. I do not use my engineering practice and my PE license to fight this system, but I work through the Libertarian Party to privatize and replace the process with alternatives.

Michael E North, Professional Engineer

"Its insights have guided my own thinking and I am proud to count myself as one of your students." —RONALD REAGAN

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