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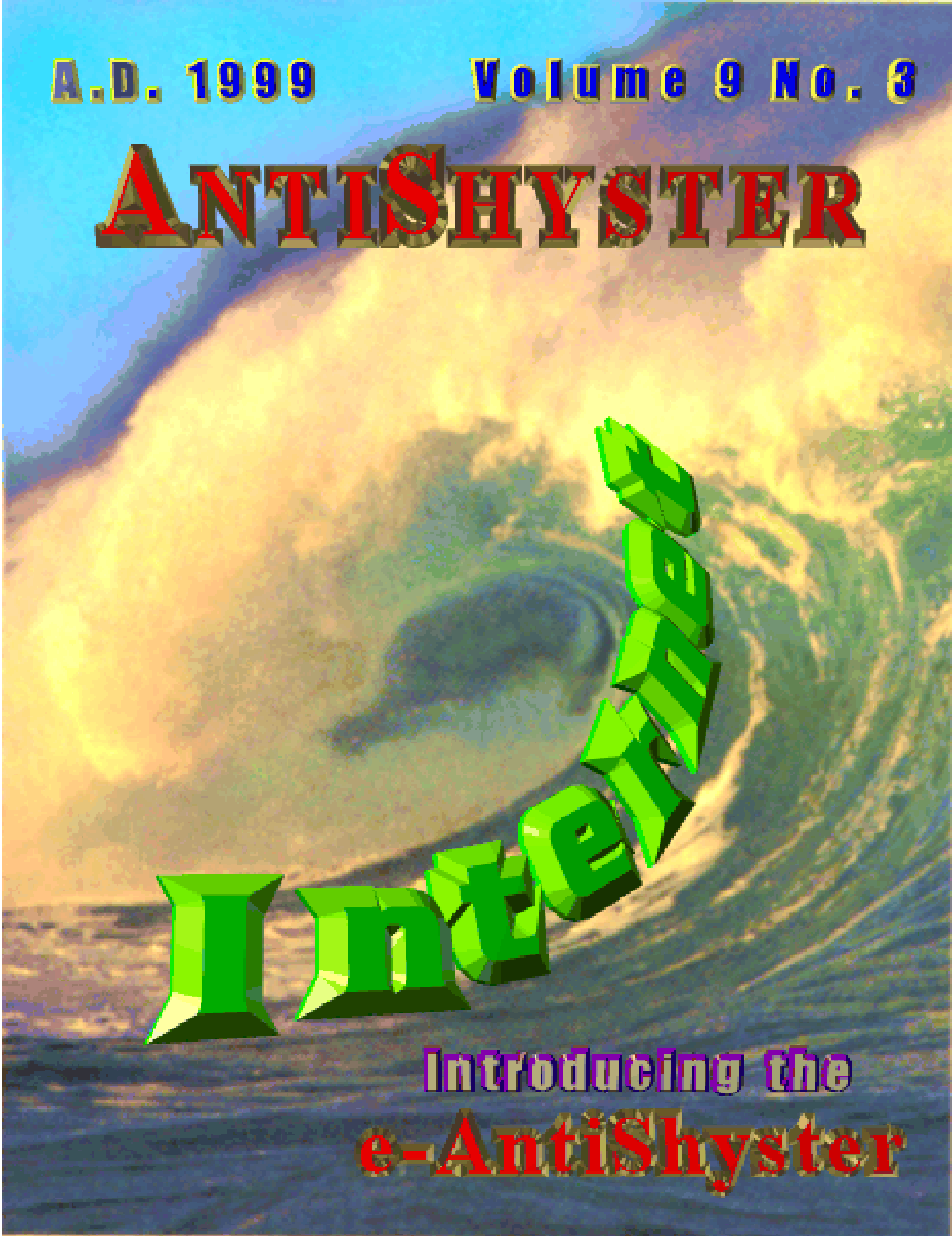
AntiShyster



AntiShyster News Magazine

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". . . it does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people's minds."
– Samuel Adams

"AntiShyster" defined:

Black's Law Dictionary defines "shyster" as "one who carries on any business, especially a legal business, in a dishonest way. An unscrupulous practitioner who disgraces his profession by doing mean work, and resorts to sharp practice to do it." Webster's Ninth New Collegiate Dictionary defines "shyster" as "one who is professionally unscrupulous esp. in the practice of law or politics." For the purposes of this publication, a "shyster" is a dishonest attorney or politician, i.e., one who lies. An "AntiShyster", therefore, is a person, an institution, or in this case, a news magazine that stands in sharp opposition to lies and to professional liars, especially in the arenas of law and politics.

Legal Advice
The ONLY legal advice this publication offers is:

Any attempt to learn to cope with our modern judicial system must be tempered with the sure and certain knowledge that secular "law" is always a crapshoot. That is, nothing – not even brown paper bags filled with hundred dollar bills and handed to the judge – will absolutely guarantee your victory in a judicial trial or administrative hearing. The most you can hope for is to improve the probability that you may win. Therefore, do not depend on the articles or advertisements in this publication to illustrate anything more than the opinions or experiences of others trying to escape, survive, attack or even make sense of "the best judicial system in the world". But don't be discouraged; there's not another foolproof information on law in the entire world– except the word of Yahweh.

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Correction Policy

There is so much truth that is offensive about the American legal system that we have no need or intention to lie or fabricate stories. Nevertheless, unintentional errors may occur. We are eager to make corrections quickly and candidly as soon as we discover and confirm them. This policy should not be mistaken for a policy of accommodating readers who are simply unhappy about a published article. If someone has been portrayed in a false light, we will endeavor to portray them accurately. Likewise, if someone has been falsely accused, we will investigate and make every effort to see that they are correctly accused.

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The AntiShyster News Magazine reserves the right to reject any advertisement we deem unsuitable and will not knowingly publish advertisements that are fraudulent, libelous, misleading, pornographic, or contrary to our editorial policies. However, we do not have the resources to determine the true value of any product or service offered by our advertisers. Therefore, readers should not assume that publication of an advertisement in the AntiShyster News Magazine constitutes our endorsement of its sponsor, or the products or services offered.

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Introducing the e-AntiShyster

by Alfred Adask

From 1990 (when I started the *AntiShyster*) through 1996, this publication grew by 50% to 100% per year. Since we started at nothing (I earned an average of $650/ month in 1991), we were several years into the publication before growth rate pushed us into the lower middle class.

I entered the middle class in 1996, and if the 50% to 100% growth had continued, expected to be in the upper middle class in 1997. I was excited. After all those tough years, I was about to "make it".

However, instead of growing by 50% to 100% in 1997, our business abruptly fell by 60%. After a much shock and soul-searching, I learned that our decline wasn't unique but had similarly afflicted other patriot publications. Later, I found out that the entire new media (magazines, newspapers, and even national TV news) had also experienced a serious declined in 1997 (although not to the degree experienced by patriot publications).

Since virtually all news media declined in 1997, I concluded the cause was President Clinton. After years of selling fear (terrorists, corporate downsizing, crime in the streets, etc.) to the public, the dirty so-and-so's completely reversed their "spin" and started preaching that we have no inflation, no unemployment and everyone's getting rich in the best economy since the 1960s.

As soon as the body politic realized there were no credible foreign or domestic threats, interest in news fell. Interest in serious news (patriot publications) plummeted.

Once I understood what'd happened, I realized that news in general and the *AntiShyster* in particular are "counter-cyclical". That is, when the economy is hot and consumer confidence is high, interest in news and the *AntiShyster* will wane. (Nobody cares about a dreary old thing like the Constitution when they're having a sale on Jetski's.) On the other hand, when the body politic is anxious over foreign or domestic threats, they become ravenous for news and the *AntiShyster* prospers.

The solution to my 1997 financial decline was obvious. I would simply hang on until government managed to precipitate another recession (or worse) and the *AntiShyster* would once again flourish. How long could it take? Everyone knew the stock market was overpriced, the economy was built on sand, and collapse was not only inevitable but probably imminent.

Enter the Internet

Two years have come and gone, and my business has (at best) only held on. We got a good bounce in the fourth quarter of 1998 from the Fall stock market "crash," but otherwise, our financial struggle has only intensified.

While I'm sure that Clinton's 1997 declaration that we live in the best of all possible times precipitated the *AntiShyster's* economic problems, I lately realize that a second phenomenon – the internet — has also entered our financial equation. I'm now convinced that even if I wait patiently for the next economic downturn, the AntiShyster's former 50% to 100% annual rate of growth is gone forever. Although we may get a temporary boost if the stock market falls 2,000 points, the long-term prognosis for the paper version of *AntiShyster* is not optimistic.

I suspect the reason for our financial difficulty is that there's so much free information on the internet that, unless a person is a real fan of a particular magazine, he has to be a little nuts to pay $30 for paper subscriptions when he can download more free

information off the internet in an afternoon than he can read in a year. I know this reasoning is real because, last year, I used it myself to terminate my subscription to the *Dallas Morning News*. At the time, I even chuckled a little to see the internet strangling that mainstream newspaper – but I didn't realize that the *AntiShyster* was even more vulnerable to the internet. (Ask not for whom the internet tolls, hmm?)

By love possessed

It's funny how you can look at something for years and not see it. I've had a website for several years that I completely neglected. I was so much in love with the paper *AntiShyster*, I didn't even glance at her sister media, the internet. See, I love the paper media. I love books. Old books. I like to see them, fondle them, and time permitting, read them. So my love for paper blinded me to the internet.

However, in July, 1999, I realized that the internet is putting the *AntiShyster* out of business. Our readers are moving onto the internet. They're spending one, two, three hours a day sifting through the mass of free internet information.

I don't blame 'em. The internet's a very seductive media. I know. I probably spend twelve to fifteen hours a week on the 'net, myself. And of course, anyone who spends two hours a day exploring the internet, will necessarily have less time and need for paper copies of any magazine, including the *AntiShyster*.

So, as our readers move up onto the internet, the paper *AntiShyster* is being left behind. We're not alone. Virtually every other patriot publication is suffering a similar decline in readership.

The problem also afflicts mainstream media. For example, the internet is destroying the print media's former dominance of classified ads. Media trade publications admit widespread financial stress and resulting heightened competition within the print industry is now fierce and bloodthirsty. I'd bet that 20% of the magazines we see on newsstands today will be gone within a year. The internet tolls for all paper publications.

Ready or not, here it comes!

There's an old saying that "when the student is ready, the master appears." Well, I don't think anyone explained that saying to the internet, because that "master" is coming hard and fast regardless of whether you "students" ever thought about getting "ready".

Facing an internet-precipitated bankruptcy, I am now a very serious student of the internet. I may be slow, but I finally got the message: The internet is a technological tsunami which can't be resisted or escaped. You either learn to ride on top of it or drown underneath.

So I've started to publish an electronic or "*e-AntiShyster*" – for free – on our website. I'm hoping to attract enough attention on the website to sustain the publication by simply selling ads. No paid subscribers, probably no tangible products for sale. Just free copies of the *AntiShyster* including enough ads to sustain the business. If we don't attract enough website interest to support me in the style to which I've become accustomed (a box of crackers a week, plus all the tap water you can drink), I'll have to make other arrangements.

However, it looks like the *AntiShyster* website will prosper. It was dead for several years prior to July and drew only 30 or 40 "hits" a day. However, since we started publishing free copies of the magazine, we've jumped to over 25,000 "hits" a week and publish about 4,000 electronic copies of the "*e-AntiShyster*" each month. And that's without making any attempt at promotion. If we triple that "publication rate," we'll be financially viable, and at the current rate of growth, I think we'll do it before the end of the year.

Of course, the *e-AntiShyster* is not a guaranteed success. Our website "hits" are encouraging, but it may still be tough to sell enough website ads to survive. I may have to return to roofing to subsidize the publication until the website (hopefully) generates a full head of steam.

By love possessed . . . again

For several years, I was simply too ignorant to appreciate the internet when it was staring me right in the face. So it damn near bankrupted me, got my attention, and frankly, now I'm in

love. For 40 years I've loved paper. Today, I love digital. (Men are so fickle, hmm?)

In fact, I'm increasingly excited about the *e-AntiShyster*. On the internet, I can produce a better-looking publication that reaches more people than I could ever reach in paper. I can use a larger font size to make the text more legible. I have much more creative freedom, especially with regard to color and graphics. Plus, there's no production or mailing costs. As much as I've loved paper, I've got to admit, the 'net's better. Way better.

I intend to sustain the paper version of the AntiShyster as long as possible, but a transition is in progress wherein the *e-AntiShyster* (published for free at *www.antishyster.com*) will be the future focus of this publication.

I want to emphasize that moving to the internet is not my choice. I know that some subscribers will be upset if they can't receive a paper edition of the *AntiShyster* or a refund on their subscriptions. Unfortunately, I may not be in financial position to do either.

If it were up to me, I'd publish a paper *AntiShyster* until the day I die. But it's not up to me. It's up to my landlord who insists I pay the rent. And it's up to the electric, gas and telephone companies that are equally insistent about being paid.

I like this job . . . actually I love it. So if the *AntiShyster* can only survive on the internet, so be it.

The cost of free subscriptions

The *AntiShyster's* survival will now depend primarily on how many people visit our website. I hope those of you who have computers will spend five or ten minutes every week downloading our magazines. The time you spend downloading issues will be the "cost" of your free subscription. If enough readers visit the *AntiShyster* website and download free copies of the magazine, we'll survive. If enough readers recommend our website and publication to others, we will prosper.

If you who don't have a computer, I recommend you get one. They are surprisingly cheap (especially if you buy a used model). $500 will easily pay for a computer that's more than adequate for internet access. There are even businesses like Flashnet that will give you a *free* computer, if you agree to use their internet connecting service for two or three years at about $20/month.

If you're not already part of the internet revolution, you might as well join. It's fascinating, infuriating, delightful and even a little dangerous – but it's the tsunami of the future and impossible to ignore.

Not so smart

I realize that by publishing this article and alerting readers to our financial predicament, I'm inadvertently ensuring our failure. After all, having read this article, who'll subscribe to a publication that may not be in business much longer?

If I were smart, I'd keep my mouth shut and maybe more money would come in. But I really don't feel like engaging in a life of complete deception. In business, there's always a pressure to put a better face on things than may, in fact, be true. But right now, I feel compelled to let folks know that sending money for future issues of the paper *AntiShyster* may be viewed more as contributions and bets than legitimate subscriptions.

I'll do my best I can to keep publishing a paper version of the *AntiShyster*, but I doubt that the paper version will survive beyond the year 2000 – and it could be finished within 90 days. It all depends on how much money comes in. If income falls further, the paper version is finished. If income rises, we can continue printing the paper version.

But up or down, I want to thank everyone who's ever subscribed or bought a book from us or just sent me a letter or article. For ten years you folks have fed me and paid my bills and allowed me to write for a living. I doubt that many of you can imagine how fortunate I feel to be able to support myself as a writer.

And finally, I want to thank our Father Yaweh for the blessing of letting me read, study and write for almost a decade. This work can drive me nuts and keep me poor, but I live better than anyone I know and far better than I'd ever hoped. Every day's a blessing and I am grateful.

However, just in case this sounds like Douglas McArthur's "fade away" speech, I want to emphasize that although the *AntiShyster* may be changing form, it's a long way from finished. If we can't afford to keep publishing a paper version, we'll just publish it on the internet.

Y'know the old saying:

"If life gives you internet tsunami's, make websites."

Actually, it's not such an old saying – in fact, I just now made it up. But you get the point.

Within a year, I expect to have all of the past nine years' issues published on the website. I also expect to start a "chat room" and weekly internet radio program. Ultimately, I hope to establish the *AntiShyster* website as an electronic "town hall meeting" for any American interested in legal reform. I hope you'll come look for us on the internet. We'll be at:

www.antishyster.com.

Internet Deflation

by Alfred Adask

The previous article outlines my recent (and semi-painful) introduction to the internet. Having learned my (first) internet lesson the hard way – I've been nearly bankrupted by the internet – I've started studying the internet's implications.

Today, I'm in the process of discovering every cliche' that's already accepted as fact and thinking "my" discovery qualifies as something original and profound. I'm kinda like a kid on my first trip to the zoo, excitedly showing the elephant to the zoo keeper. It's a miracle to me and old news to him.

Nevertheless, I have reached some conclusions that I don't think are typical. For example, I suspect the internet's impact may precipitate widespread fear and anger in the American people.

Consider: It appears that the *AntiShyster* can't survive unless it's published on the internet. If I publish the *AntiShyster* exclusively on the internet, I won't need to print a paper version. That means my commercial printer (the guy who produces several thousand paper copies of this publication) will lose my business and resulting income. As more publications are either bankrupted by the internet or also begin publishing on the internet, those publications will also stop using commercial printers.

Result: Commercial printers will experience ruthless competition as they fight among themselves for the diminishing number of print magazines and newspapers.

Result: Some (perhaps, most) commercial printers will be driven out of business. Similar business contractions and bankruptcies will cascade onto the producers of paper, ink, and printing press manufacturers.

Result: As commercial printers, paper producers and press manufactures go bankrupt, they won't need the offices, warehouses and industrial plants where they currently work.

Result: Demand for commercial real estate will fall – and soon, the commercial real estate market will also decline.

Result: As commercial real estate values fall, bank loans secured by commercial real estate may also be called in by nervous banks. Those called-in loans will push additional businesses toward bankruptcy.

Thus, the internet releases economic forces capable of not only crippling little magazines, but capsizing the commercial real estate market and impacting major bank loans.

A similar line of reasoning seems valid for the majority of retail products. While consumers may still insist on buying "personal" items like clothing and groceries from a store where you can touch, taste and see — most other products (computers, clocks, dishes, software, refrigerators, etc.) will be increasingly purchased over the internet.

Price is king

The primary reason for the shift to internet purchases is price. Conventional retail stores simply can't compete on the basis of price with website stores ("webstores").

Why? Overhead. A typical retail store costs thousands of dollars a month in rent, utilities, and labor. All of that overhead must be included in the price of the products sold in the store. On the other hand, a webstore costs $20 a month and the entire "staff" can consist of a single entrepreneur who lives and works out of his own home. Because

there's virtually no overhead in the webstore, an internet entrepreneur can sell products at huge discounts that conventional retail stores can't match and remain profitable.

The second reason for the shift to internet purchases is convenience. While the retail store is open just six days a week from 9 AM to 9 PM, the webstore is open 24/7. On the internet, I can shop for a refrigerator at midnight on Sunday. I can compare dozens of refrigerators and their prices, select the least expensive, and have it shipped to my door. I don't have to start my car. I don't even have to get dressed.

Of course, if I need a refrigerator immediately, I must go to a local retail store. But if I'm willing to wait a few days for delivery, I can order over the internet and probably save $75 to $100 as compared to the retail store price. What would you do? Get dressed, drive to town, fight the traffic, pay for gas and parking, and pick up your refrigerator tonight – or wait a week and save $100 and a couple hours of your time?

Soon, most people will buy on the internet, wait a week for delivery and save the $100.

Result: The local retail appliance store can't compete with the webstore, loses sales and therefore goes out of business.

Result: the storefront is empty, the commercial real estate market continues to fall, and more bank loans are called in.

Diminished traffic

Obviously, people who buy on the internet don't drive to town to buy their refrigerators. So, as we buy more products on the internet, we should all drive less. That means less wear and tear on our tires, less gasoline, less traffic to tear up our roads, less traffic jams, less need for newer or wider roads, and perhaps even lower taxes. Thus, internet commerce threatens to diminish much of our nation's demand for cars, petroleum and concrete. Ford, Standard Oil and Goodyear won't be pleased.

How 'bout office workers? Why commute every day to some downtown cubicle if you can do the same work in a corner of your own home? Businesses already employ "home workers" but even executives are beginning to work several days a week from their homes and commute to the office only for face-to-face meetings.

Similarly, "virtual meetings" are being conducted with TV images transmitted over the internet between executives in New York and San Diego, so even face-to-face meetings are growing less frequent.

Again, this means reduced travel, reduced traffic jams, and reduced gas, oil, tire, battery and automobile consumption.

As the internet reduces the businessman's need for face to face meetings, it will also diminish the need for air travel. The impact will spill over onto hotels, rental cars, travel agents and other businesses that cater to business traveler.

But note that some of your neighbors feed their families by working in a retail appliance store. Others support themselves selling gasoline, automobiles, commercial real estate and airline reservations. As the internet diminishes demand for these products and services, many of these people will be unemployed.

And where will they go for work? To the neighborhood webstore? I don't think so.

Thus, as the internet decreases the cost of goods and services, it will also increase unemployment. Lower costs and higher unemployment signal deflation, economic recession or worse.

No refuge

If the internet's fierce efficiency bankrupts many "conventional" businesses and causes "conventional" workers to be unemployed, most of the clever folks hawking merchandise over the internet itself won't fare much better.

To illustrate, suppose I sell refrigerators over the internet. Once I cut a deal with the refrigerator manufacturer, I can theoretically ruin every "brick and mortar" retail appliance store in the country. After all, I have no overhead, I can sell 24/7, and my "territory" is the entire USA (actually, the world). Anyone who can find my website can buy refrigerators from me.

Because my potential market is so vast and my overhead so small, I can sell so many refrigerators that (unlike conventional retail appliance stores) I don't

need to make $100 on every sale. If I charge just $5 over the wholesale price of refrigerators, and sell 1,000 refrigerators a week, I can earn $250,000 a year! And all I have to do is put up a pretty website, automate the order processing procedure, sit back, and bale the dollars as they fall off the internet money tree.

Sounds great, hmm? Except when I brag about my sweet deal, my brother-in-law decides to start an identical website, except he'll sell the refrigerator's for just $4 over wholesale and steal my business. Sure, he won't make as much as I did, but he'll still be making about $200,000 a year and, for him, that's great.

Except, he bragged about his "money tree" when one of the neighbor kids was over visiting his son, and that nerdy kid stole the idea, created his own website and starting selling refrigerators for just $1 over the wholesale price. Sure, he's not making $200,000 a year, but – hey - $50,000 a year is great money for a high school kid. (Except in California, of course.)

But then some clever Mexican willing to work for $500 a week, starts selling refrigerators for just $0.50 over the wholesale price . . . .

With each ensuing price cut, previous websites are largely put out of business. Thanks to search engines, anyone looking for refrigerators can quickly locate my website, my brother-in-law's, the high school kid's and the Mexican's. Then all they have to do is shop among our websites to see who has the lowest total price and – bingo! – place their order. And what's the determining factor? Price. The Mexican will win most of the sales.

Can I take your order?

It's important to note that webstores seldom stock the refrigerators (or other products) they sell. Instead, most webstores are merely order-processing facilities. No matter whether you order a refrigerator from me, my brother-in-law, the high school kid or the Mexican, all we do is forward your order to the refrigerator manufacturer, and he ships a new refrigerator directly from his plant to your door.

Thus, it doesn't matter where the customer lives or the webstore is located. A customer in Chicago can shop just as easily for refrigerators on webstores located in Maine, California or even Hong Kong. If those webstores are all selling the same refrigerators manufactured in Seattle, once the order is placed, the freight costs will be the same from the Seattle plant to the Chicago customer no matter which webstore takes the order. There's no salesman involved to persuade you with his sparkling personality (and make a fat commission). The factory warranty is identical in every case. So, again, the primary issue is price.

Where price is the only issue, price-based competition will be fierce and relentless. Internet competition should even drive the price of all refrigerators sold over the internet to just pennies above the wholesale price set by the refrigerator manufacturer. Thus, internet competition won't merely bankrupt conventional retail stores, it will also bankrupt most webstores.

And why not? Properly understood, most webstores are simply billboards on the "information superhighway" which are designed solely to catch the potential customer's attention. Webstores don't build refrigerators. They don't stock 'em, and they don't ship 'em. They just take orders, pass those orders on to the manufacturer, and then the refrigerator is shipped di-

rectly from the plant to customer.

Although some webstores may currently flourish, they may not last long. Retail webstores have been successful primarily because a handful of brainy, adventurous individuals were among the first to try selling products over the internet. But as manufacturers slowly recognize the value, efficiency and necessity for internet sales, they're building their own websites and selling their own products directly to customers at prices that neither retail "brick and mortar" stores nor webstores can hope to match. Thus, the internet should put a great deal of financial strain on most retail and wholesale businesses.

Death of a middleman

Almost all American employees are "middle men". That is, somebody in Seattle builds a refrigerator that's sold to an individual in Atlanta. That's two people.

But for the Atlanta customer to buy the Seattle refrigerator, he has to know about it. That means there's advertising and media personnel filling the miles between producer and customer, trying to inform the potential customer and induce the sale.

Then, there's wholesale warehouses and retail stores in Atlanta to display the Seattle refrigerator. And there's also railroad engineers, truck drivers and all the associated mechanics and gas station attendants who help keep the trains and trucks moving refrigerators from Seattle to Atlanta.

Thus, between the single manufacturer and the single final customer there's a *massive distribution system* consisting of hundreds of "middlemen" who directly or indirectly profit from moving refrigerators manufactured in Seattle to customers in Atlanta.

The internet will eliminate many of those middlemen. Advertising (which supports almost all mainstream media) will be increasingly unnecessary. (How can you "sell the sizzle" when the only issue on the internet is price?) There'll also be little need for wholesale warehouses and retail refrigerator stores.

While it will still be necessary to transport refrigerators from Seattle to Atlanta, even the demand for railroad and truck transport may be reduced since there'll be less need to stock a large number of pre-built refrigerators in some Georgia warehouse. Instead, refrigerators may not even be built in Seattle until the order is placed and paid for by the Atlanta customer. Then the transportation industry will only have to move one refrigerator to Atlanta.

If the internet revolution cuts the cost of products, it will do so primarily by *dismantling the traditional product distribution system* and making most "middlemen" unnecessary and unemployed.

But if the price of refrigerators falls, who will be able to buy them if the "middle-class" of distribution "middlemen" is largely unemployed? Even the refrigerator manufacturers' sales and profits may decline. Thus, the internet's long-range impact on the world economy appears to be deflationary and depressing.

Direct relationships

This chain of reasoning suggests that the only people who'll remain employed and able to profit on the internet are those who actually *create* or manufacture a product, service or even magazine – and sell that product, service directly to the consumer. In other words, if fierce price-competition bankrupts *retail* outlets (both "brick and mortar" and webstores), *only manufacturers* will remain to sell their products *directly* to customers over the internet.

If you don't have a product or service which you personally create or help manufacture, you'll probably be unemployed. Of course, every American has a personal "creation" to sell: his labor. But where will you sell it? The local refrigerator store will be bankrupt and not hiring. Likewise, local tire dealers, gas stations, and concrete mixing plants will also be diminished or bankrupted and unlikely to hire you. If most products are purchased directly from their manufacturers, there sure won't be many "Help Wanted" signs for store salesman, clerks, and stock boys.

While white collar executives working as "middlemen" may become largely unnecessary and unemployed, the internet's impact on most blue collar manufacturing jobs may be minimal.

Consumers may not need salesmen, ad men, and retail store clerks to promote and sell refrigerators, but they'll still employ the guy who *builds* refrigerators – *if* there are any refrigerator manufacturing facilities left in the USA.

Exported industrial base

Unfortunately, over the last generation, the U.S. moved most of our manufacturing facilities overseas to countries with cheap labor. Thanks to "free trade," Nike can pay peasants in Thailand just a few dollars a day to make sneakers to sell for $100 or more in America.

An "exported" industrial base seems to simultaneously exploit foreign workers and deprive American workers of jobs. But from an economic point of view, so long as America had a "middleman" economy based on an extensive *product distribution system*, it didn't matter too much if American corporations made our shoes in Thailand. So long as a vast number of ad men, salesmen, truck drivers, and store clerks moved Nike shoes from a pier in San Diego harbor to the customers' feet in Iowa, Georgia and New York – all those middlemen got a percentage of the final sale of those shoes. The reason Nike charged $100 for sneakers was to pay $80 to all the middlemen. Thus, even without the actual workers who made the shoes, American middlemen prospered and could still support their families. Consumer confidence stayed high.

Unfortunately, in the upcoming internet economy, most middlemen may be eliminated from the product distribution system. Where will these middlemen find new jobs if the entire middle man economy is reduced? If the distribution "middle" is gone, the only remaining employment will be at the manufacturing "end".

But our manufacturing jobs have been exported overseas. Therefore, the internet's growth may force us to "import" manufacturing plants back into the USA. How can these factories be "imported"? By erecting high tariffs barriers to make foreign-made products prohibitively expensive and protect American manufacturing jobs. If they want to sell it in this country, they'll have to build it here, too. If we don't restrict free trade, Americans may quickly drive down the information highway into abject poverty.

The 'Net is alive with the sound of music

The music industry illustrates the internet's impact on the middleman economy. Thanks to the internet, musicians can market their music directly to customers as either downloadable electronic files or CD-records printed per order by the artists themselves.

Instead of receiving pennies from major recording companies for every record sold, musicians can now receive several dollars from each sale and still cut the price of their records to a fraction of what the traditional record manufacturers charge. Thanks to the internet, records can be more profitable for musicians, and less expensive for customers.

How is that possible? Because the internet is rendering "middleman" record distribution companies obsolete. As those middlemen are removed, the cost of records falls. As a result, the big record manufacturers (who've controlled the profitable "middle man" distribution position between musician and customer for the last three generations) are suddenly screaming in fear of losing their lucrative positions of power and wealth. However, their cries are probably in vain since they're fighting an irresistible technological wave.

The internet first impacted newspapers and magazines and other information outlets. Now, it's impacting music. The telephone industry is facing the prospect of virtually free phone calls over the 'net. Soon, other industries will also be impacted as the remorseless internet removes more and more middlemen from our economic system.

If the internet decimates our middleman product distribution system, not many jobs will remain except for manufacturing. But if the majority of manufacturing facilities remain in Thailand, Mexico or Indonesia, we'll have a lot of unemployed, impoverished Americans.

Implication: the internet renders a prosperous America may incompatible with international free trade. Without high tariffs

and trade barriers, we can't hope to "import" manufacturing plants back into the USA and thereby provide American manufacturing jobs in the "internet economy".

But low tariffs and international free trade are the foundation for global governance and a "New World Order". Implication: A prosperous America, the internet and the New World Order can't coexist. For any two to survive, the third must be destroyed.

Help wanted

Besides manufacturing, I can imagine three other general categories of employment that will survive and prosper (relatively) once the internet is fully established: farmers, blue collar craftsmen and government.

Government employment might increase if the internet precipitates widespread deflation and poverty. But even this is uncertain, since government welfare is really just another distribution system operating outside of the free market. It's possible that the super-efficient internet distribution system might also diminish or replace the existing welfare distribution system and thus challenge the structure and very existence of traditional government.

However, plumbers, carpenters, electricians and roofers should remain employed to maintain our homes. A Chicago homeowner with a leaky pipe won't use the internet to hire a less expensive plumber from Seattle. He'll have to hire someone local.

Like most fundamental home construction elements, plumbing wears out and fails at a fairly predictable rate. Therefore, our demand for *home* maintenance personnel should hold steady despite the internet. (Of course, demand for *commercial* property maintenance personnel may fall if the internet causes a decline in the commercial real estate market.)

And of course, farmers are essential. I might be able to get by with a leaky roof or a dripping faucet, but I can't live without food. The demand for agricultural products should not be badly diminished by the internet. More importantly, unlike American manufacturing plants which were exported to foreign countries to exploit cheap labor, you can't very well "export" the soil of an Iowa farm to Mexico The farms are here, can't be moved, can't be replaced, and will survive the internet.

In fact, I'd bet that the currently impoverished farmer may thrive in the internet economy. After all, he's a true "creator" of a product we've got to have. His status should rise considerably if he can master the difficult job of marketing wheat, beef and eggs directly over the internet.

The internet's consequences may reach right into our homes and families. As unemployment rises, the first to be fired will be women and children. Kids will have less disposable income to get them into trouble. Women and children will be more dependant on husbands and fathers for support. Women, who currently file over 70% of all divorces, will gain new respect for their wedding vows. As respect for men rises, "angry white males" (like me) may become increasingly rare.

If this reasoning is valid, it predicts serious economic stress and revolutionary political pressures. Nevertheless, I kinda like it. We'll have a world that holds farmers, blue collar workers, property owners and true creator-innovators in higher esteem than the white collar, corporate "middlemen" who've hustled us and each other over the last fifty years. We'll learn to value a person according to his actual work rather than his ability to hustle, hype and deceive. Feminism will be ridiculed. Men will be respected.

I expect it's gonna get scary. The internet may precipitate deflation, unemployment and recession or worse. Our entire economic – and then political – structures may be suddently forced to change into forms that would be unrecognizable and impossible just a few years ago.

I predict a very bumpy ride. Nevertheless, I think I like it. Viva la internet revolucion!

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The Internet is Money

by Alfred Adask

I have an old book entitled "Bills and Debates in Congress Relating to Trusts" published by the Government Printing Office in 1903. Somewhere inside, I read one Congressman's description of money as a mechanism for "distributing *title* to property" (I can't find the precise quote, but trust me, it's there). This is a powerful insight. Money doesn't distribute property, it distributes *title* to property. I.e., when I buy a car, I don't precisely buy the physical car, I buy a *title* to the car. My rights to use, drive and sell that car all flow from the kind of *title* that I buy.

Today, we routinely speak of money as a "medium of exchange". But few realize that, unlike legal tender/ Federal Reserve Notes (which merely "transfer" equitable title and physical possession of property from the apparent seller to the apparent buyer), *lawful* money (gold and silver coin) implements an "exchange" of *legal* title (true ownership, not mere possession) of property from the seller to the buyer.

[Regular readers of the *AntiShyster* should be familiar with this hypothesis. However, if you don't understand the difference between lawful money and legal tender (Federal Reserve Notes), get a copy of *AntiShyster* Volume 8 No. 2 for free from our website *www.antishyster.com*.]

Essentially, my hypothesis boils down to this:

1) An ancient principle declares that whoever owns the money, also owns whatever that money is used to buy. For example, if I send you to town with fifty of my silver dollars to buy a new TV, even though the receipt may show your name, the TV belongs to me because I was the legal owner of the money used to buy the TV.

2) Because Federal Reserve Notes (FNRs) are *loaned* into circulation, they remain the legal property of the Federal Reserve System until the original loan is repaid in full. If those loans are not repaid during the typical 18 month useful life of a FRN, every piece of green paper in your wallet is technically the legal property of the Federal Reserve System.

3) Based on items 1 and 2, I hypothesize that since the Federal Reserve System still holds *legal* title to the paper FRNs in your pocket, they should also receive legal title to whatever you purchase with those FRNs. Because you are using Alan Greenspan's money (figuratively speaking) to purchase your TV, you only receive *equitable* title (right of use and possession – but not ownership) to the TV purchased with *Alan's* FRNs. If so, Alan Greenspan and the Federal Reserve System technically own legal title to "your" TV, and "your" car and "your" house, and everything else you've purchased with "his" FRNs.

If we accept my hypothesis concerning FRNs, then the Federal Reserve System is a perpetual "middleman" in virtually all financial transactions. That is, by using FRNs, we merely transfer equitable title (use) to property from the apparent seller to the apparent buyer – but the purported "buyer" is actually a mere "purchaser" and therefore does not receive legal title.

Instead, legal title (true ownership) defaults to the "middleman" – the Federal Reserve System who still owns the FRNs. Using FRNs is kinda like using Don King to promote your heavyweight boxing fight. You and your opponent get your brains beat out, and Don gets rich.

If the Federal Reserve System (or perhaps the government, but somebody up high) actually owns *legal* title to our homes, cars and computers, we have no *legal* rights (which flow from legal title) to that property, and thus no

standing to argue actions concerning that property in courts of law (whose purpose is to determine legal rights). Instead, we are perpetually condemned by our use of FRNs to live as beneficiaries and virtual slaves whose only judicial recourse is in courts of equity (not law).

If anyone (including the wholesale distributor, retail distributor or final customer) in the traditional distribution system uses "middleman" FRNs to purchase the refrigerator manufactured in Seattle, legal title to refrigerator defaults to the Federal Reserve System. All subsequent sales merely *transfer* equitable title (which confers the right of use and possession) to the refrigerator from one party to the next without affecting the Federal Reserve System's legal title (which conveys true ownership) to that property.

Enter the dragon-slayer

But, if (as discussed in the previous article) the internet truly slays the middleman economy – and if internet customers can buy directly from a product's manufacturer-creator without even using the middleman Federal Reserve System – then it's theoretically possible for buyers to directly pay manufacturers in lawful money (gold or silver coin; not legal tender/ FRNs) and thereby secure *legal* title (not just equitable) to property bought over the internet.

Thus the internet could conceivably empower us to regain legal title, ownership and standing in law for our personal property. The implications are fascinating.

Internet businesses and strategies already exist to provide alternate money systems. Bill Gates and Microsoft tried to implement a digital cash system over the internet about 1996 (which I suspect is the real reason the government went after Microsoft). By using the digital cash credits, people could buy and sell products over the internet without using FRNs.

More recently, an operation called "e-Gold" ("electronic-gold") has sprung up to pay your bills over the internet in grams of gold. I have a problem with this strategy since customers first purchase real gold with FRNs to be deposited into their e-Gold accounts. If my hypothesis about FRNs is correct, once you purchase your gold with FRNs, legal title to that gold should default to the Federal Reserve System. If so, legal title to any property you subsequently purchase with gold first purchased with FRNs should also legally default to the Federal Reserve System.

However, I suspect that an internet banking system that paid bills in *lawful* money (pre-1933 gold and silver coins) might escape the Fed's middle-man monetary monopoly. This suspicion hinges on the one exception to my FRN hypothesis: It appears possible that lawful money (gold or silver coin minted before 1933 by the mint of the United States of America) always carries *intrinsic* legal title. That is, even if you buy lawful money (coins) with FRNs, I suspect the legal title remains in the coin/ money. (If so, that's why the pre-1933 coins are still in circulation and weren't seized after 1933. Unlike gold bars and gold certificates, the government had no claim on lawful gold or silver coins.)

So long as lawful money retains intrinsic legal title, it is a medium of *exchange* (of legal title) rather than a mere medium of *transfer* of equitable title.

But even if FRNs convey legal title to gold and silver coins to the Fed, how can anyone prove who owns legal title to a coin without a receipt? Lawful money has no serial numbers, so even if a particular coin has been purchased with FRNs, unless there's a receipt that specifically identifies each particular coin and denominates its most recent purchase in FRNs (symbolized by the $-dollar sign with a *single* vertical line) rather than lawful money (symbolized by the $-dollar sign with *two* vertical lines), I don't think the Federal Reserve System can actually prove it owns or ever did own legal title to a particular coin.

In the case of lawful money (coin), "possession is nine-tenths of the law," so it would be difficult for government to overcome the presumption you legally own whatever lawful money (coin) is in you possession.

Lawful internet banking?

So, suppose an internet bank were created wherein you deposited lawful money (pre-1933 gold and silver coins) and used that lawful money to pay for whatever products your bought over the internet. The bank would work as a kind of clearing house which could send the physical coins to the seller or alternatively, fill the seller's account with the actual coins moved from the buyer's account.

Real banking. Real money. Real *legal* title to property for the public. Restoration of *legal* rights. Standing in law (not equity). Personal freedom (not privilege or license). All of this could flow from an internet-based banking system using of lawful money.

Back to basics?

Most people view the internet as "merely" an extraordinary communications system. See, y' gotcher text, y' gotcher chat rooms, y' gotcher internet radio and TV. Moolti-media on the info-mation sooper-highway!

Very impressive. (Gee, what will they think of next, hmm?)

More "advanced" students of

the internet see it as the key to "e-Commerce" – the world's most efficient product distribution system. Of course, even though the internet can *enhance* the distribution of products, it can't actually replace the physical distribution of products. Yes, orders for products can be placed at the speed of light over the internet, but actual shipment will still take several days to construct the product, load it on a truck and haul it to the consumer.

But. If the internet can't distribute physical products through your telephone wires, it can distribute *title* to products through those wires. For example, there is no technical reason why an automobile title can't be sent to a new purchaser over the internet rather than by mail.

But remember what the Congressman said back around 1900? "Money is a device for distributing *title* to property."

Lessee . . . as I recall, the rules of logic mandate that if A equals B, and B equals C, then A equals C – right?

Then if Money equals Distribution of title, and Internet equals Distribution of title, then Internet equals . . . Money?

Intriguing hypothesis, hmm?

Back to barter?

The fundamental purpose for money is to escape the historic difficulty of a barter system. In other words, if one has a pig he wants to sell and another man has some corn he wants to sell, there's always a problem trying to equate an exact quantity of corn for the pig. Worse, if the pig farmer wants a new plow, but doesn't need any corn, the corn farmer can't sell his corn, no sale is made, and both parties are stuck with products they own, don't want, can't sell and will therefore probably rot.

With the invention of money, a pig farmer can sell his hog to corn farmer for money, then take that money to town and buy an new plow. Money eliminated the fundamental problem of precisely matching the products created by one person to the products created by another.

But with the internet's capacity to sort millions of transactions per minute, why couldn't we return to direct bartering over the internet? For example, if I wanted a new $500 TV, there's no fundamental reason why I couldn't exchange $500 worth of *AntiShyster* subscriptions to pay for that TV. Yes, there'd be some conversion problems in terms of agreeing whether a new TV was worth 10 or 20 subscriptions, but that could all be worked out through bid or auctions similar to those that already occur on the internet. If I had already taken 20 orders for subscriptions and used them to fill up my electronic bank account as *assets* (not credits), I could barter (directly exchange) those 20 orders for a TV. Since I'm the *AntiShyster's* creator, I own legal title to the subscriptions I'm selling and the orders I'm receiving in exchange.

Thus, I should be able to *directly* exchange my legal title to the subscription-orders for legal title to the TV (owned by the TV's manufacturer-creator) – without using the Federal Reserve's "middle-man" FRNs.

Under a direct, computerized bartering system, legal title could be exchanged to products *without any intervening medium* other than the internet itself. Broadly speaking, I could trade the 20 orders for subscriptions for the TV without gold or silver coins, without grams of raw gold, without checks, credit cards, and even without FRNs.

If I can do business without conventional money (media of exchange), then the internet itself becomes the "medium of exchange" . . . .

This supports the hypothesis that, properly understood, the internet is not simply a place to make money or spend money – the internet *is* money. Potentially, the internet is a replacement for gold, silver, checks, credit cards, and Federal Reserve Notes. As such, the internet is more than a whiz-bang communication device on the information super-highway. Way more. More than the world's most efficient "distribution system" for products and services. *Way more!*

It appears that the internet is capable of functioning as a "medium of exchange" for legal titles to property directly from the manufacturer-creator to the buyer. If so, the internet is not merely a way to make money, or count money or even a place to get rich. More precisely the internet *is* money.

If so, the internet directly threatens the world's entire banking system and all of that system's underlying legal and political systems. That means those guys must either destroy the internet or figure out how to own it (just like FRNs) as their own property.

Prometheus II

If this conjecture is valid, the internet's importance ranks right up there with the invention of the wheel and the discovery of fire.

And just as the ancient Greek gods chained and tormented Prometheus for giving fire to man, you can bet that today's "gods" (bankers, globalists, politicians, etc.) will soon be screaming to limit, restrict, license, control or (ideally) destroy the internet's electronic fire.

Remember, we've explored the possibility (in the previous article) that the internet's fierce efficiency and price-competition will foster: 1) reduced prices (deflation) and 2) increased unemployment (depression). That'll make a lot of ordinary folks mad.

Moreover, if the internet is a new form of money that threatens to dismantle the world banking system, the bankers will be irate. This suggest that the internet may soon have a hoard of powerful enemies.

Despite all the praise and excitement currently surrounding the internet, the time may be coming when internet stocks crash, websites are finally seen as barren money trees and public praise turns to fear or fury. If so, public hostility will be fanned by self-serving banking and political systems seeking to own or destroy the internet.

But I doubt the bankers and politicians can destroy the internet. The internet is already so firmly intertwined in our socio-economic-political system, it's unlikely that it can be excised even now without killing the system itself. Further, even if the internet's destruction were theoretically possible, it is growing and evolving at a rate too fast for Globalist bureaucrats to react to or even comprehend. The "gods" may regret letting mortal man receive fire and the internet, but once the gift's given, it's unlikely to be returned.

If the internet can't be destroyed, I'd bet the "gods" will do it the "old fashioned way" and try to buy the internet. If some single institution (similar to the Federal Reserve System) could "own" the entire internet, that institution would also own the internet "medium of exchange" (just as Federal Reserve System currently owns Federal Reserve Notes). If so, legal title to products purchased over "their" internet would theoretically default to "them".

The problem with "owning" the internet is that the internet is an international structure. While I can imagine our government granting "ownership" of the U.S. portion of the internet to some U.S. institution, how will the U.S. government also grant ownership of that part of the internet lodged in France, India and Brazil? And if government doesn't own *all* of the internet, it's claims to own any of it are suspect.

Since the internet is international, the only way the internet can be owned is if that owner is an agency of a single world government. But as noted previously, it appears that the primary economic force of the internet will be to restore domestic manufacturing, encourage high protective tariffs and end free trade – all of which is contrary to the principles of the New World Order.

So how can a world government own the internet, if the internet is antithetical to world government? The contradiction makes me laugh. The New World Order's got a serious problem. How can they control the world from a single centralized source, if the internet is uncontrollable and fosters *de-centralized* individual power?

Things to come

I applaud the internet's potential for foiling the New World Order, but I still anticipate that within two to five years, the internet will be seen as a primary cause for economic dislocation. This dislocation may easily precipitate revolutionary political change. Unemployment of 20% to 30% is conceivable, and any political outcome is possible in that context. Some of us may be impoverished. Some may die. Maybe me.

Still, I welcome the internet. It's efficiency offers a fierce justice that may push us back toward a kind of honesty where "political correctness" is damned and people are paid what they're worth – no less and also no more. If so, the internet may dismantle the existing de facto government and restore respect for unalienable rights.

And if the internet is "money," it may even help dismantle the existing banking system, the love of which . . . .

Well, boys and girls, that's today's sermonette. It may be hard to follow and harder to swallow. But if anyone asks, tell 'em you heard it here first:

The internet is more than a glorified communication network and more than a product distribution system. It is, potentially, a system to distribute and directly exchange *title* to property. As such, the internet is a "medium of exchange" and potentially, not merely a place to spend money or make money, but an incredible new *form* of money.

Waco: A New Revelation

by Arthur Niedleman

In almost ten years of publishing the AntiShyster, I've only presented one or two other book or film reviews. Normally, I've got more important topics to cover.

However, in this case I've made an exception because – not only is the film itself exceptional – but it was the film's *producers* who actually discovered "pyrotechnic gas canisters" hidden away in a Texas Rangers' Waco evidence locker. The story is extraordinary because the gas canisters had been mis-labeled as "gun silencers" and it's only through the grace of God that one of the film's personnel recognized the error and realized the significance of his discovery.

In theory, the pyrotechnic gas canisters might've remained mis-labeled and unrecognized forever if it weren't for this film's production crew. Instead, the discovery of the mis-labeled pyrotechnic gas canisters ignited the current Waco furor and renewed investigations. Thus, this film doesn't merely report a story, it *is* the story – and an extraordinary one, besides.

And so we publish.

The whole story reminds me of a bit of poetry from the *Book of Virtues*:

The ages come and go,
The mountains weep along, the stars retire.
Destruction lays earth's mighty cities low
And empires, states and dynasties expire.
But caught and handed onward by the wise,

Truth never dies!

And that, my friends, must give the government fits. Cover-ups have a short shelf-life. Sooner or later, the undying truth appears.

Six years after the fiery deaths of David Koresh and 80 Branch Davidians, investigations and a new MGA movie — *Waco: A New Revelation* — have again moved the infamous siege at Waco to the forefront of our national conscience.

MGA Films precipitated this heightened activity after it was allowed to enter the Texas Ranger evidence locker on four occasions. In that evidence locker, MGA found 500 boxes of evidence including 28 videotapes – all previously unseen by Americans and unavailable during the Davidian trial.

While digging through this mass of evidence, MGA uncovered four objects identified as "gun silencers" but realized that these objects were mis-labeled and were, in fact, the now-famous pyrotechnic gas canisters. By discovering four "mis-labeled" gas canisters, MGA Films precipitated the current Waco investigation.

Dallas author, Dick Reavis, investigated the "siege" from the very beginning. "We know now that the FBI had explosive charges at Waco, showing us that their intentions were NOT what we have been told they were."

According to a September 4, 1999 *Dallas Morning News* story by Lee Hancock, the GAO's report on Waco showed that the FBI asked for and received 50 illumination rounds and 250 explosive rounds from the military.

Faced with these allegations and other recent disclosures, the FBI admitted that pyrotechnic devices "may have been used" at Waco. This admission represents a reversal of a long-standing denial that the agents used anything capable of sparking a fire at the compound. While

there is no direct proof that the pyrotechnic devices caused the fire, Attorney General Janet Reno stated that "we must get to the bottom of the ATF's and FBI's involvement in this matter."

As a result, Attorney General Reno appointed former U.S. Senator John Danforth as an independent investigator to investigate these "new revelations."

However, Danforth immediately came under sharp criticism when he decided to exclude any examination of the ATF's role at Waco. Instead, Danforth will strictly focus on whether the FBI lied about not using pyrotechnic devices and then engaged in a cover-up – and whether Federal personnel directed gunfire into the building on that final day.

However, evidence indicates that illegal acts may have been committed by more than the ATF or FBI. Department of Defense documents released to attorney David Hardy revealed that the army's Special Forces command at MacDill Air Force Base in Florida was heavily involved in helping the FBI in Waco and that military personnel provided technical and equipment support.

The Pentagon vehemently denied that military forces were used in the attack, but former CIA officer, Gene Cullen, gave MGA Films an exclusive interview that detailed accounts from antiterrorist Delta Force commanders of the military's active involvement at Waco. According to Cullen, Delta Force operatives admitted that their secret unit's involvement was far deeper than mere discussions or tactical observations. Portions of Cullen's interview is included in the *Waco: A New Revelation* documentary.

Waco is also making headlines on the legal front. Represented by former attorney general, Ramsey Clark, survivors of Waco are suing the government for wrongful death. Mr. Clark says the evidence of wrongful death is overwhelming. "The first civil right," Mr. Clark says, "is to be free from unlawful and excessive force by your own police. That is the difference between a free society and a police state."

In the six years since the Waco siege, thousands of investigative man-hours have been spent examining witness testimony, autopsy reports, physical and forensic evidence. According to experts, the preponderance of evidence directly contradicts the government's version of what really happened.

One of the main investigators, Mike McNulty, dispelled many of the myths relating to automatic weapon fire, direct military involvement and BATF cover-ups in the Emmy award-winning documentary, *Waco: Terms of Engagement*. More recently, McNulty has also researched MGA's *Waco: A New Revelation*. This documentary summarizes current investigations into Waco including MGA's extraordinary discovery of the mis-labeled pyrotechnic gas canisters.

MGA's documentary stirred tremendous attention in the Washington establishment when it was previewed by members of Congress on November 3rd, 1999. At the conclusion of the film the audience stood up and clapped. Florida Congressman Cliff Stearn's response was typical, "This is an excellent film that should be seen by all Americans!"

As a result of MGA Film's discovery of the four pyrotechnic gas canisters and subsequent documentary, both houses of Congress have opened new investigations, and are expected to convene full congressional hearings Waco in the early part of next year.

According to MGA executive producers, Rick Van Vleet and Steve M. Novak, their film presents compelling evidence to answer the following questions:

- Why didn't the Branch Davidians and their children come out of the compound?
- Did the FBI actually start the fire at Waco using pyrotechnic devices?
- Why was critical evidence missing from the evidence lockers nearly six years after the incident?
- What was the role of the elite U.S. Army Delta Force at Waco during the final assault?
- Does the trail of Waco evidence lead to the *White House*?

The MGA film documentary "Waco: A New Revelation" is now available in VHS. For further information, call 1-800-277-9802 or visit *www.waco-anewrevelation.com.*

Administrative Notice Feedback

In the last *AntiShyster* (Vol. 9, No. 2), we began to explore government's reliance on the concept of "good faith" and the resulting "good faith immunity". We suggested that "good faith" was based on the presumption that even when a government employee violates a citizen's rights or a governmental duty, that violation was caused by the employee's *ignorance* of the law or his duties, rather than a *willful*, criminal act. Thus, if he violated your rights, he presumably didn't do so knowingly or intentionally, and was therefore afforded a "good faith immunity" from personal liability for the violation.

Good faith, then, was ultimately based on the presumption that an errant government employee was *ignorant* of the relevant law, duties or rights.

In Volume 9 No. 2, we also reported on the remarkable but inexplicable success that some administrative notices have had at stopping government harassment. We speculated that the reason administrative notices worked was that they "notified" officials of relevant laws and facts so as to eliminate any later claim of "ignorance" necessary to establish a "good faith immunity" for violating a citizen's rights.

Although we have much to learn about "good faith" and administrative notices, we've had a good response from our readers and it appears we are on the right track.

The following letter is from J. Kingston, a retired judge:

Probably the most comprehensive book on the subject of administrative law is "Administrative Law Text" by Kenneth Culp Davis, published by West Publishing Company, 3rd edition, 1972. It is a "must" read for all those whose adversaries are bureaurats (sic).

The first sentence in the preface states that, "This book is primarily for law students, not primarily for judges or administrators or practitioners." (Interpretation: This is easy for the layman to understand!)

Administrative notices can be very effective in separating bureaurats from sovereign immunity. Nineteen states and the District of Columbia have abolished large chunks of the sovereign immunity doctrine by judicial action. Possibly, the leading state case is *Muskopf v Corning Hospital District*, 55 Cal.2d 211; 11 Cal.Rptr 89; 359 P.2d 457 (1961).

In "Muskopf" the court held (5-2) that "After a reevaluation of the rule of governmental immunity from tort liability we have concluded that it must be discarded as mistaken and unjust . . . The rule of governmental immunity for tort is an anachronism, without rational basis, and has existed only by the force of inertia . . . None of the reasons for its continuance can withstand analysis . . . It has become riddled with exceptions . . . and the exceptions operate so illogically as to cause serious inequality."

But the courts are not stupid. They went on to say that their decision did not ". . . affect the settled rules of immunity of government officials for acts within the scope of their authority . . . Government officials are liable for the negligent performance of their ministerial duties . . . but are not liable for their discretionary acts within the scope of their authority . . . even if it is alleged that they acted maliciously . . ."

What does this mean? It means that government officials are immune for acts within the

scope of their authority. Conversely, if the bureaurats' acts are outside the scope of their authority, they are not immune from suit. We can point this out through administrative notices.

It also means that, "Government officials are liable for the negligent performance of their ministerial duties . . ." Using these same words that the court used, in your allegations against a bureaurat, will help you prevail.

We are also informed that the bureaurats ". . . are not liable for their discretionary acts within the scope of their authority . . . even if it is alleged that they acted maliciously . . ." In other words, their discretionary acts must be ". . .within the scope of their authority . . ." That, in a nutshell, is "good faith."

When the bureaurat is notified administratively, that they are not authorized to act the way in which they are contemplating, and they continue to so act, their "good faith" has been put in jeopardy. I.e., the bureaurat has been administratively noticed that the discretionary acts they are contemplating are clearly not within the scope of their authority, and in fact, are plainly outside the scope of their authority. If they continue to act, it may be safely alleged that they are acting without immunity and in "bad faith."

It's now up to another bureaucratic tribunal to determine who has the preponderance of evidence: you, providing evidence that his acts are not authorized, or, the bureaurat, providing evidence that his acts are authorized. (Remember, evidence presented by a bureaurat to a bureaucratic tribunal carries more weight than the same evidence presented by a non-bureaucrat! Funny how that seems to work!)

The Supreme Court, in *Myers v Bethlehem Shipbuilding Corporation*, 303 US 41, 50-51; 58 S.Ct 459, 463; 82 L.Ed 638 (1938) informed us that ". . . no one is entitled to judicial relief for a supposed or threatened injury until the prescribed administrative remedy has been exhausted."

When a complaint is filed in a judicial court of competent jurisdiction against a bureaurat, and the case is dismissed, we call the judge a commie pinko fag, and walk away with our proverbial tail between our legs. Did we lose the case? Or, is our case still alive, and we just haven't exhausted our administrative remedies? Don't expect them to tell you.

Administrative notices, hearings, law, and procedure, are powerful weapons to add to your arsenal. Witness, the Freedom Of Information Act and the Privacy Act (5 USC 551 et seq.).

I'm glad to see you bringing this weapon (especially administrative notices) to light.

Thank you.

Generally speaking, Mr. Kingston's recommendations and comments indicate our understanding of administrative notices is both important and fundamentally valid.

However, I've read and edited enough articles to be able to infer a great deal about a man from his writing. This is our second letter from Mr. Kingston, and although I've never met the man, I judge from his writing that he is not only unusually intelligent, perceptive, and well-educated – he is disciplined. That is, Mr. Kingston's text is unlikely to reveal anything he did not intend to reveal. Thus, you can not only learn from what he does write, but also from what he does not.

His letter is complimentary, but reserved. There is less praise than a teacher's "pat on the back" for an earnest student who shows promise but still has a lot to learn. I suspect Mr. Kingston is telling those of us who can read that we're on an important path, but that our understanding is at least incomplete and possibly flawed.

Mr. Kingston's letter mentions one textbook and two cases which explain or illuminate administrative notices and their relationship to government claims of immunity. Anyone with a serious interest in those topics should read those documents closely.

Speaking of cases, *American Communications Assoc. v. Douds* 339 U.S. 382, 442 (1950), contains and excerpt that is regularly quoted by the "patriot" community:

"It is not the function of our Government to keep the citizen from falling into error, it is the function of the citizen to keep the government from falling into error."

This quote has been generally interpreted as proof that: 1) government has little or no business enforcing "proactive" regulations to "protect" the People in advance from their own possible errors; and/or 2) the People have a duty to distrust, closely monitor and control all government activities. In other words, the quote has been traditionally viewed as evidence that We the People are sovereign, and government is our servant.

But perhaps that quote is equally valid as proof of our responsibility to *notify* the government of the relevant law and facts in a particular case in order to keep them from "falling into error." Closely read, the quote implies that government has no duty to inform us of all the relevant the law, but we have an obligation to inform/ notify them. If we fail to notify government officials of relevant facts or law, who can blame them for "falling into error"? Thus, in administrative hearings, much of the burden of proof is shifted from government (whose former duty was to prove we were guilty) to the People – whose new administrative duty is to prove we are innocent.

Thus, administrative procedure seems to shift the presumption of innocence formerly enjoyed by the People to the government. I.e., if an administrator says you're guilty of some infraction, it's not his duty to *prove* you're actually guilty – it's your duty to prove he's "fallen into error". If you fail to properly prove the bureaucrat's error, his allegation is presumed correct and you therefore are presumed guilty.

I suspect that administrative notices may satisfy our "duty" to keep the government from "falling into error," defeat the presumption of government ignorance, establish administrators' personal liability and thereby shift much of the presumption of innocence back to We the People.

Here's part of a letter from a convict sentenced to life I prison without parole asking about administrative notices. Most of his letter has no relevance here, but one part stuck me as curious.

Mr. Adask,

When I was incarcerated in California in 1981, guidelines for when an inmate like myself would be considered for a modification of the term of sentence were set forth in the state Administrative Code rather than the Penal Code. That Admin. Code stated that I should receive a "Clemency Hearing" after serving twelve years. At this clemency hearing, factors in aggravation and mitigation would be weighed, and the decisions of the panel would be sent either to the Governor, or the State Supreme Court (depending on certain parameters) for final adjudication.

However, I was not afforded my clemency hearing in 1993 (after twelve years) since the administrative manual was changed in 1983, and the minimum time set forth for the first clemency hearing was raised from twelve to thirty years.

Regards,
Mr. Andrew Lee Granger
Corcoran, Calif. 93212

Dear Mr. Granger,

First, I'd like to know what 1981 "parameters" determined whether your clemency "appeal" would be ultimately decided by the Governor (head of the *executive* branch of government) or the State Supreme Court (head of the *judicial* branch). Perhaps those parameters could help us understand how to distinguish between administrative hearings and judicial trials.

The fact that either the Governor or the Supreme Court might have control suggests that in some cases (where a defendant was convicted in an administrative process) the Governor (as head of the executive/ administrative branch of government) would have final clemency power. In other cases (where the defendant was convicted in a true judicial trial), the State Supreme Court (as head of the judicial branch of government) would have final clemency power.

If so, your first order of business might be to determine whether you were convicted in an administrative procedure operating under the Executive Branch of state government, or if you were convicted in a judicial trial under the Judicial Branch.

I'd bet that until the laws were changed in 1983, persons might be equally likely to be tried

in a judicial or administrative tribunal. However, since 1983, I'd bet that true judicial trials are uncommon, and virtually all "trials" are in fact administrative hearings.

I'd also read the relevant law closely to discover whether the precise name of the "State Supreme Court" changed between when you were incarcerated and 1983 (when your state's administrative code was changed).

We already know that a "District Court of the United States" is a *judicial* court created by Article III of the Constitution while a "United States District Court" is some sort of *administrative tribunal* operating under Article I, II or IV of the Federal Constitution (see Cochran et al v. St. Paul & Tacoma Lumber Co., 73 Fed Sup 288).

The government is running two court systems: one, judicial; the other, administrative. While we assume we are being tried as individuals in a *judicial* court, I suspect that instead our case is being administered in an *administrative* tribunal. (The significance of the "case" is explored in the following article, "The Battle's in the Case – Not the Court".) Thus, if you appear in a "District Court *of the United States*" you will be tried *judicially* as an individual — but if you appear in a "United States District Court" your case may be processed *administratively*.

Similarly, I wouldn't be surprised if there were once a "California Supreme Court" or perhaps a "Supreme Court of California" which has been supplanted by a more recent "Supreme Court of the State of California". The first court would be created by the State Constitution to serve the People of the State called "California". The latter court would be created by the state legislature to serve the corporation called the "STATE OF CALIFORNIA". If you were tried under the first court, you were probably tried judicially and might receive all of the "constitutionally guaranteed" rights you expect. However, if your case was administered under the second (corporate) court, that case would probably be determined with reference to few if any "constitutional rights".

Thanks,
Alfred Adask

Here's another excerpt that fires my imagination:

Alfred:

I was "indicted" (?) on two counts: 7212(a) and 18 Sec. 153. Both were not "criminal" cases, but the Assistant U.S. Attorney sure made it that way. Like most "pro se" litigants, I was swamped by government actors and found guilty on both counts in one hour and 15 minutes.

I used "Administrative Notices" in my "railroad" case, though I could not/did not start until after the trial.

The Judge in this case, never issued an order with findings of fact and conclusions of law. Instead, he always issued his orders with comment "based on position, or findings, of the United States".

Sincerely,
Kent Shaw

First, our "criminal" courts are dangerously biased and dedicated to achieving convictions rather than providing impartial decisions. While some people may receive justice, they are exceptions. Anyone who enters a court expecting "justice will be done" is a damn fool. Our courts' purpose is to convict people – and that's exactly what they do over 95% of the time.

Implication: The most effective means of defeating a government prosecution is through

administrative procedure, long *before* the case gets to court. Once you get to court, your defeat is virtually guaranteed. (As a practical matter, criminal court is not where your guilt is determined – that was done long before you appeared before the judge. Instead, the criminal court is where your *sentence* is determined.)

Second, I suspect the purpose of administrative notices is to inform an adversary of relevant law and facts before that adversary acts in violation of those laws and facts and "falls into error". Once they have notice, if they commit a particular violation at some time in the future, they presumably incur personal liability. I.e., acting in violation of the earlier notice is *evidence* that they acted *willfully* and are thus *personally* subject to criminal liability.

If so, administrative notices are primarily useful as devices to *stop prosecution* during the administrative process that proceeds courtroom determinations. Likewise, it follows that administrative notices sent during — and especially after — a trial can't have the desired effect. It's like sending me an administrative notice that I shouldn't have skipped my college classes back in the 1960's to go get drunk. It's too late. It's virtually impossible for a notice sent after the fact to establish earlier willful violation of the law and thus criminal liability.

However, I am interested in your observation that:

"The Judge never issued an order with findings of fact and conclusions of law. Instead, he always issued his orders with the comment 'based on position, or findings, of the United States' denied (or whatever)."

This observation implies that perhaps you didn't have a "trial" — at least not in the "judicial" sense. Instead, you may have only had an administrative hearing masquerading as a judicial trial. As you'll see in the next article ("The Battle's in the Case – Not the Court") it appears that only juries are "finders of fact". If so, it follows that administrators (bureaucrats, etc) cannot "find facts" — they can only report the facts and law that are agreed to by all parties to a case.

Whenever there is disagreement within the case as to the relevant facts or law, I suspect the issue must be settled by a *judicial* trial wherein a judicial (not administrative) judge and jury can determine the contested law and "find (contested) facts". Your "judge's" refusal to "find facts" or issue "conclusions of law" (duties reserved for the *judicial* system), implies that perhaps he wasn't acting in a *judicial* capacity. Instead, he might've been acting in an *administrative* capacity and was therefore lawfully *prevented* from issuing "findings of fact and conclusions of law".

Also, a judge that "always issued his orders with comment "based on position, or findings, of the United States" seems consistent with my hypothesis (explained in the next article) concerning the "case".

If the judge based his rulings entirely on the "position and findings of the United States" – but not on your "position and findings" – where did he find the government's "positions and findings"?

I.e., if the judge ignored all of the "positions and findings" that you presented *in court*, and instead accepted all of the government's "positions and findings" presented in court, he might be challenged for personal bias and failure to adjudicate impartially.

But – what if the judge acted *administratively* and therefore relied only on those "positions and findings" found in the *case* (not the court)? And what if you didn't understand the difference between "case" and "court" and therefore entered your "positions or findings" into the *court* but failed to enter anything into the *case*? Then, if the judge's administrative determination was based strictly on whatever "appeared" in the *case*, you would lose by default since you entered nothing into the case.

Of course, all of this is conjectural and, worse, seemingly ambiguous, irrational or possibly nuts. But when you read "The Battle's in the Case, not the Court," come back and read this section again and you might begin to understand my lunacy.

After you've read the next article, let me know if the "case vs. court" hypothesis seems plausible or absurd.

Thanks,
Alfred Adask

Is the Battle in the Court? Or in the Case?

by Alfred Adask

Alfred - I read with great interest the article about administrative notices. But!! – nowhere did I find out how to do this – should the notice follow a specific format? Should it contain cites of particular laws? I remain bemused. Keep up the wonderful articles!

Lucy Alexander, Austin, TX

First, note that this entire article is conjectural. I have little to support what follows other than speculation. While I hope you'll consider the ideas in this article, I don't want anyone to automatically believe them.

I suspect the trouble with administrative notices is that they are almost incomprehensibly simple.

To understand how to write an Administrative Notice, first understand its purpose: To *inform* (notify) the recipient of *facts* and *law* relevant to the issue at hand.

Sounds simple, doesn't it?

The hard part is that the purpose (to inform the recipient of facts and law) appears to *exclusive*. Relevant *facts* and *law* – that's *all* you should include in your notice.

And that's the trouble. Proper notices do not include statements of personal belief or personal opinion. They do not include "True Confessions" of your most sincere feelings, nor predictions of the recipient's fate ("God will strike you down if you continue to harass His servant!"). Likewise, proper notices don't include endless rants on the Founding Fathers, the difference between a democracy and a Republic, and the reason we are all under Martial Law, Admiralty Law, or no Law whatever (depending on your point of view).

In other words, a good notice includes almost no trace of *you*. No reference to your cherished opinions, insightful judgments and wise conclusions. Just *facts* and *law* relevant to the case at hand.

Unfortunately, writing is a very egotistical exercise (I know). Most people can't stand to write anything that's not filled, colored and embellished with hints, clues and declarations revealing the wonder and glory of their lives. But egotistical, self-serving prose renders most "notices" irrelevant, inconsequential and self-defeating.

The average person will probably think that removing any trace of his "personality" from a notice is not only difficult, it's absurd. After all, if the IRS comes after *you* for back taxes, *you* are the central figure, and thus *you* should be the focus of whatever administrative notices you send as a reply – right?

Maybe not.

I suspect that in an administrative action, your status is more like that of a "witness" than a "party" or "defendant". In an administrative action, *you* are not the central figure, party or issue. Instead, the focus of an administrative action is the *case* – the file, the *physical* record.

A bureaucrat's lot

Imagine the IRS is processing a "case" with your name on it. Understand that the bureaucrat in charge of "your" case has not only never seen *you* – but doesn't *want* to see you, either. He did not choose to "administer" *you*. Instead, a computer (or bureaucratic superior) dumped a *case* (a physical file containing some papers) on the bureaucrat's desk and told him to "handle it". Note that the bureaucrat's job is not to handle *you*, it's to handle the *case*, the physical file or record.

How does a bureaucrat "handle" a case? *He gets it off his desk*. That's all the bureaucrat really

wants to do: clear his desk. Why? 1) To keep his screaming boss off his back and 2) get some free time to hang around the water cooler and talk to that new, amply-endowed secretary.

How does a bureaucrat get the case off his desk? By reading the case and then either filing it or passing it to another bureaucrat for further administrative action.

That's the essence of a bureaucrat's job. He reads and sorts cases. That's all.

Figuratively speaking, every bureaucrat has two chutes (A and B) where he can file the cases piled on his desk. It's the bureaucrat's job to read cases and – depending on their content – determine which "chute" gets the case.

Unfortunately, the boss piles hundreds of cases on the bureaucrat's desk – far too many to actually read and fully evaluate. However, over time, the bureaucrat learns that, on average, 99% of the cases always go into chute A, and 1% into chute B. That means that when the boss gives him another 100 cases to "handle," all the bureaucrat has to do is stuff 'em all down chute A since, *presumably*, that's where 99% of all cases belong anyway.

As for the one case that belongs in chute B – tough. If someone complains later (which is unlikely) about an improper determination, the bureaucrat can correct his error and explain it away as a mistake rather than willful negligence.

In the meantime, based on his statistical *presumptions*, the bureaucrat has cleared his desk and found plenty of time to chat up the new secretary. Thanks to presumptions, a bureaucrat's life can be sweet.

Presumed assent

Unfortunately, once the boss, Congress or the public realizes that the bureaucrat isn't really reading and evaluating cases, but is simply "piling" them into chute A, there'll be trouble. A living human being must make each determination. Therefore, the bureaucrat may be forced to actually read and properly sort all those silly cases – that is, actually *work!* Worse, he won't have time to woo the secretary and she (the fickle b____!) will take off with the screaming boss who keeps piling cases on the poor bureaucrat's desk! (Alas!)

So how could a clever bureaucrat avoid the work of actually evaluating his cases, keep using his handy presumptions to sort cases, and still avoid personal liability . . . ?

What if he shifted the burden of evaluation onto the poor schnook whose name is on the case? What if – instead of actually reading the case – the IRS programmed a computer to send an Administrative Notice to the schnook out there in TV land? I.e., "Dear Mr. Schnook, the IRS has determined that the case associated with your name should be sent down chute 'A' (taxpayer)."

Although the Notice looks like a declaration of absolute facts or law, it might really be a statement of the bureaucrat's *presumptions*. Properly understood, the "notice" might really be an *inquiry* wherein the IRS implicitly *asks*, "Do you agree with our presumption that you are a taxpayer?"

If Mr. Schnook does not respond properly, the IRS can legally presume Schnook is a "taxpayer" and stuff his case down chute A. Schnook's silence is legally interpreted as his agreement with the government presumption that he is a taxpayer.

Thus, through use of notice, the bureaucrat cleverly evades personal liability for unilaterally presuming that Schnook is a "taxpayer". The bureaucrat used a notice to delegate the job of determining whether the case should be sent down chute "A" (taxpayer) or chute "B" (non-taxpayer) to Mr. Schnook.

OK, if Schnook sits still (try saying that five times fast) for the first notice, why not send another?

How 'bout, "Dear Mr. Schnook, the IRS has determined you owe another $483.67 on your 1997 income tax return." The IRS may be merely guessing whether Schnook owes more money. Their notice may be less a statement of truth than presumption. Even if the notice poses no express question, I suspect IRS uses the notice to *ask* Mr. Schnook if he *agrees* that he owes another $483.67.

If Mr. Schnook does not expressly refute the alleged debt, the debt will be presumed valid and enforcement will begin.

Schnook's silence effectively turned a notice of government

presumptions into a stipulation of *facts*. By failing to respond to the government's notice, *Mr. Schnook* made the "determination" that he owed more money to the IRS.

Death by a thousand notices

In real life, IRS computers send a series of sequential, administrative notices to alleged delinquent taxpayers. I suspect each notice carries just one or two presumptions cleverly constructed to look like statements of relevant fact or law. As the alleged taxpayer ignores or fails to properly refute each of these notices, the IRS weaves a noose of unrefuted presumptions around his neck which are viewed in court as facts sufficient for conviction.

If Schnook's case finally goes to court, *Schnook* will have virtually prosecuted and convicted himself.

How? Note that through most of the administrative procedure, the notices were sent by *computer* rather than IRS agents. As a result, Mr. Schnook was the *only* human actor making "determinations". I.e., the computer sends Notice #1, and if Schnook doesn't respond properly, the computer is programed to assume Mr. Schnook agrees with the presumption in Notice #1, and automatically send Notice #2. If Schnook does not reply, the computer sends #3, #4 and so on, until it's time to send another notice to actual IRS agents that *Mr. Schnook* has "determined" (silently assented to) the presumptions that the government can seize his bank account and put him in jail.[1]

Nightmare on bureaucrat street

Note that the IRS system of notices is built on the presumption that Mr. Schnook doesn't have the brains, gonads, or financial resources to properly respond. The system seemingly *depends* on our silent assent. If so, it follows that the system is probably incompetent to cope with persons who reply properly to IRS notices.

For example, suppose that, unlike 99% of all Americans who receive IRS Notice #1, you don't ignore it or send a meaningless *letter* in reply, but instead send a proper *Administrative Notice*.

Generally speaking, a couple of things might happen: 1) A real, live person in the IRS will receive (and thus become liable for) the information on your notice; 2) your notice must be read, correctly evaluated, and its information keyed into the computer; 3) depending on the quality of your notice, the computer's automated notice program may be derailed, forcing a live agent to determine (and be responsible for) whichever subsequent notices are sent; and, worst of all; and 4) a "personal" relationship may develop between you and the agent assigned to "your" case.

No bureaucrat wants a "personal relationship" with a party to the case. You'll call him on the phone; you'll send more notices; you might even send copies of the Constitution, Magna Charta or passages from the Bible. You'll ask questions he can't answer, humiliate him in front of his peers, implicitly remind him that his job is dishonest, and cost him so much time he can't process the other cases on his desk nor find time to woo the new secretary.

Remember, it's the *case* (the collection of papers) – not *you*, the flesh and blood person – that's the focus of an IRS administrative procedure. When you realize how much trouble a persistent "tax protestor" can cause for a particular bureaucrat, you can see why the IRS wants *nothing* to do with any living "taxpayer". Cases are easy; tax protestors are hard.

That's why we repeatedly hear stories about the "disappearing" cases of people who resist the government. The government is too busy, too swamped to waste time and money pursuing uppity "protestors". Result? "Difficult" cases tend to disappear.[2]

But besides being a pain in the cheeks, patriots can at least slow and possibly derail government administrative enforcement actions with proper notices. How? By being:

1. **Persistent.** Never receive a notice without sending a response. No matter what the government sends, challenge it on every available factual and/or legal ground.
2. **Prolific.** If one notice is good, one per week is even better. Once you get the hang of writing Administrative Notices, it'll probably take government more time to process your notices than it takes you to write them. Thus, you might win by attrition alone.
3. **Concise.** A good notice should almost never take more than one page. The "briefer" the better.

Traffic signs like "65 M.P.H." are a good examples of "notice". They don't read, "If you drive 75, you'll be ticketed, fined or possibly jailed!" Instead, they simply notify drivers of the speed limit at that location. Period. Once the driver is notified of that *fact,* if he drives in violation of that fact, he becomes personally liable precisely because he *knew* (or should've known) the speed limit was 65.

Similarly, a good notice does not include anything about *you* – it only includes brief statements of law or facts relevant to

the *case*.

4. Positive. In logic, you can't prove a negative. This probably explains why defendants are presumed innocent – they can't possibly prove they're "not guilty".[3]

For example, if I allege that you killed John F. Kennedy in 1963, you can't prove that you did not. I don't care if your birth certificate says you weren't born until 1973, you still can't prove that you didn't kill JFK, since I can argue your birth certificate was forged, you were really born in 1935 and you merely look very young for your age. No matter how hard you try, you can't prove a negative.

Therefore, courts can only prove or disprove *positive* statements. Thus, the burden of proving that you killed JFK falls on the prosecutor. There is no burden of proof on the defendant (which one reason why defendants need not even testify). If the prosecutor can't find enough witnesses and tangible evidence to *prove* that you killed JFK, the presumption of your innocence remains intact.

Since negative statements ("I did *not* kill JFK," or "I am *not* a taxpayer," or "I was *not* speeding") can't be proved, I suspect such statements are effectively "inadmissible" as evidence in court and are therefore likewise irrelevant or meaningless when included in a notice. Thus, a notice that you "did *not* kill JFK," is probably ineffective since an administrator can't be bound by that statement of "negative fact" that's impossible to prove.

If negative statements are legally irrelevant, how can you express the opinion that "John Smith did *not* murder Bill Brown"? You can't. And rightly so, because that negative statement is also a personal *conclusion* that's every bit as irrelevant as a personal belief. I.e., even if John Smith didn't pull the trigger, he could have hired the actual killer and thus still be guilty of Brown's murder. The truth is that you not only don't know, but *can't* know – for a *fact* – that Smith did *not* murder Brown.

However, you might positively affirm that "I have not seen or heard any evidence to suggest that John Smith shot Bill Brown," or "I have seen or heard evidence which refutes the allegation that John Smith shot Bill Brown," or "John Smith was at my home at the time the alleged murder took place."

See the difference? You can't prove Smith did *not* kill Brown, but you can offer *positive* statements of fact to contradict and refute that allegation.

Thus, a good notice probably excludes "negative" statements, and you must learn to write notices using "no" and "not" judiciously or not at all.

5. "Disagreeable". It seems logical to me that if juries are "finders of facts," bureaucrats are not. That is, if you swear it's a fact that John Smith shot Tom Brown and I swear it's a fact that Brown was shot by Jim Jones, only a judge or jury (not a bureaucrat) can determine which of our sworn but contradictory "facts" is true. Likewise, if the bureaucracy presumes you're a "taxpayer" – and you say (better yet, swear) that their presumption is false and/or unsupported by evidence – the bureaucrat may be estopped from proceeding until a court/jury rules on whether you are in *fact* a "taxpayer".

If bureaucrats can't determine facts or law, it follows that the fundamental purpose for any administrative procedure is to reach an *agreement* between the parties to the case as to the relevant facts and law. Once the bureaucrat establishes that all the parties *agree* to the government's version of facts, law or presumptions, he can proceed to sum-

marily "administer" the case. There's nothing left to argue or adjudicate. Pay up.[4]

But, if you can insert evidence into the *case*/record which controverts the government's version of facts, law and presumptions – each controverted fact, law or presumption becomes an *issue* that can only be determined by a court or jury.

Even if the alleged "facts" in your notice are incorrect – by creating a *disagreement*/ controversy the *bureaucrat* can't resolve without your assent – you force the government to quit or go to trial. Even if you're wrong, the expense of litigation may persuade the bureaucrat to "bury" the case.

If your facts are right, the case should end right there. Otherwise, the properly notified bureaucrat may be personally liable for malicious prosecution of a case based on facts or law which – by virtue of your Administrative Notice to him – he knows or should've known are irrelevant or false.

6. Aggressive. The power of an administrative notice appears to be its ability to place bureaucrats in peril. Once they *know* the proper law or facts in a particular case, if they act in violation of that knowledge, they become personally liable. They forfeit the "presumption of good faith" (ignorance) which grants them a "good faith immunity" from prosecution. Their house, car, boat and retirement are all on the table exposed to your counter-suit.

Few bureaucrats will risk their personal property to violate your rights. Discretion, as they say, is not only the better part of valor, it's also the better part of oppression. Proper administrative notice appears to prove that the responsible bureaucrat knew (or had reason to know) that he was violating your rights or his duties and is therefore *personally* liable.

But – while it's good to be aggressive, don't threaten. You don't need tell the opposing bureaucrat that you will sue, take his house and leave him penniless. That's a conclusion/ prediction which has no place in administrative notices. Merely notify him of the relevant law that establishes your rights and/ or his personal duties. If he acts in violation of those known rights or duties, he creates his own liability.

7. Understated. Although government *computers* send a lot of notices, the average bureaucrat is just as ignorant about sending and receiving notices as the average citizen. Don't mistake the computer's "expertise" for the bureaucrats'. By subtly including your own presumptions and statements of law or fact within your notice, you may be able to "trap" bureaucrats, much as their computers try to trap us. At minimum, your notice may establish issues for later determination by a court.

Just as the government can weave a noose of sequential notices around your neck, you may be able to weave a similar noose of notices around theirs. Most people's first attempts to write notices include everything from the Magna Charta forward. But I suspect it's better to send a single administrative notice for each fact, law or presumption that you wish to assert or challenge. If the notice is not threatening and innocuous, it may be ignored and thus assented to.

8. Impersonal. The key to proper administrative notices may be writing them impersonally. Remember, the issue is not *you*, it's the *case*. Therefore, your notices should not be about you, but rather about the case. You must learn to write notices not as the principal party, but rather as a "material witness" to the *case*.

I suspect that a recipient is not bound to take Notice of your personal opinions, beliefs, feelings or conclusions. If so, you're wasting your time and possibly defeating the effect of your Notice whenever you use the word "I" (or "We") as in "I feel," or "I believe" or "I'm sure".

Similarly, proper Administrative Notices don't seem to include personal conclusions – and this creates another "fine line". For example, while you can quote the precise law that establishes a $1,000 penalty for anyone convicted for requiring a person to provide his Social Security Number, you can not embellish that statement of Law with your personal *conclusion* that the recipient will (at some later date) be fined $1,000 (or perhaps jailed, etc.) if he requires you to provide your SSN.

Whether or not he *will* be

jailed, fined or exonerated is a decision which *may* be made in the *future* by a court. Any *future* decision is not a current "fact". Notices are not about *future* events which do not yet exist; notices are about facts and laws as they exist right *now*.

However, you can probably notice the administrator that *if* he requires your SSN, he *may* be violating SSN law and thereby exposing himself to subsequent charges. In other words, it's not a "fact" that he *will* be fined (that's a determination for a court), but it is a "fact" that by demanding your SSN, he exposes himself to *possible* prosecution. See the difference? It's a fact that *if* he violates current law, he *may* be prosecuted; it's not a fact that he *will* (at some future date) be convicted.

No "Miss Personality" awards

If you want to see a good Administrative Notice, read virtually any computerized letter from the IRS or Traffic Court summons. They are typically devoid of a government official's personal opinions. Usually, they're so impersonal they seem incomprehensibly lifeless, aren't even signed by a natural person, but are merely printed under the agency's letterhead.

As a general rule, I suspect you must remove most traces of your "personality" from any effective Administrative Notice. For example, consider the "personality component" in the following four statements:

* "I believe John Smith murdered Bill Brown."

Uh-huh. Well, I *believe* in the tooth fairy. But our personal *beliefs* are irrelevant since they are not a statements of objective *fact*. Your *beliefs* have no more administrative relevance to the Brown murder case than a statement that you are Christian, Hindu – or have pretty blue eyes.

* "On May 14, 1999, at approximately 8:00 PM, I observed John Smith shoot Bill Brown."

Better. This is not a statement of personal belief or opinion, it's an allegation of factual observation. Although a personal element remains, it does not exist in the sense of expressing a personal judgement or conclusion. It is (or is not) a *fact* that you saw (or didn't see) Smith shoot Brown. If you say (and especially, swear) that you saw Smith shoot Brown, that's a relevant fact, the validity of which may be proved or disproved in court at a later date.

Further, this notice does not include the *conclusion* that Smith "killed" Brown. Unless you're a coroner or licensed physician, you don't actually *know* what killed Brown. This may sound like nitpicking, but I suspect linguistic precision is the soul of Administrative Notices. I.e., even if you watched the shooting, all you actually know is that you saw Smith aim a gun in Brown's direction, heard a shot, and then saw Brown fell.

But maybe Smith was firing blanks as a joke and Brown accidentally died of fright. Or maybe Smith missed and another unseen villain shot Brown in the back from behind some bushes. Or maybe Smith wasn't trying to kill Brown, but was actually trying to save him by shooting past Brown at the villain in the bushes.

All you *know* are the "facts" that you saw Smith aim a gun in Brown's direction; you heard a shot; you saw Brown fall. Those are *facts*. But you don't know that Smith's gun fired the bullet that struck Brown and caused his death. Thus, to say Smith actually killed Brown is a *conclusion* which can be reached by a court or jury but is probably improper in a notice.[5]

* "In a sworn affidavit, dated June 12, 1999, I testified before Notary Wilma White licensed by the State of Texas that I observed John Smith shoot Bill Brown. A verified copy of that affidavit is attached to this Administrative Notice."

Ohh, now you might have something solid! This is a notice of (Fact # 1) you testified at the stated time and place concerning the Brown/ Smith murder; (Fact #2), your sworn testimony was witnessed by a government officer (the notary); and (Fact #3), a copy of your testimony is attached to the notice.

If administrators are not empowered to determine the validity of sworn facts, once they're faced with a notice backed up by one or more affidavits entered into the case, the administrator may be forced to: 1) suspend administrative procedures in that case and 2) submit the case to a court to determine which of sev-

eral contradictory "facts" are true.

That takes time, money and manpower and unless some bureaucrat really wants to hang you, they just might walk away.

9. Effective. You must insert all of your controverting facts, law and presumptions into the *case*. I don't know how to be "effective," but I doubt that any information you provide the government over the phone, in meetings, or by letter are likely to wind up in the *case*.

For example, suppose you meet an IRS agent and absolutely prove with unrefutable arguments, facts and law that you are not a "taxpayer". What part of that conversation goes into the "case"?

Often, only as much as the IRS agent cares to mention in his written report.

After your meeting, the IRS agent might simply record in the report that goes into the case file: "Met with Mr. Schnook for two hours during which time Mr. Schnook refused to pay taxes." If so, what did your two hours of "unrefutable arguments" achieve? Nothing. If your arguments, facts and law don't "appear" in the physical *case*, they do not exist as evidence to be considered in the final administrative determination.

I suspect that unlike letters, phone calls and face-to-face conversations – proper affidavits must be included within a "case". But I'm not sure whether administrative notices are normally included as evidence when the case is decided. Since the notice is intended to inform the *administrator*, it's possible that the notice itself "belongs" to the administrator but does not belong *within the case* itself – unless it's attached as an exhibit to another document (perhaps an affidavit) that is properly inserted into the case.

For example, if decisions are based exclusively on the specific contents of each physical case file, logic suggests that any reference to the Constitution, an administrator's Oath of Office, or a particular statute might be ignored – unless a verified copy of those documents were inserted/ incorporated *into the physical case*.

This suggests that if you wanted to rely on a "constitutional" or statutory argument in a particular case, you might:

1) File an official or verified copy of the Constitution or relevant statute into the case to establish the "law of the case".

2) File a copy of the official's Oath of Office to support and defend the Constitution and/or statutory job description into the case. This is done to establish (within the "law of the case") the official's *duty* to obey the relevant Constitution/ statute.

3) Provide an Administrative Notice to the proper bureaucrat (or judge) that a copy of the Constitution (or statute), and his Oath of Office and/or statutory job description have been incorporated *into the case*. Make sure there is *evidence* (postal green card) that the bureaucrat/ judge *received* your notice. This evidence should establish the fact that the official *knows* both the law of the case and his duty to obey it and thereby strips him of any future claims to "good faith" ignorance and personal immunity.

4) File an affidavit into the case swearing that you served the administrative notice to the bureaucrat and/or judge that the Constitution, Oaths and/or job description was incorporated into the case, and attach copies of those notices and proof of the official's receipt of your notice to your affidavit. This provides more (possibly redundant) proof of both the "law of the case" and the official's knowledge of that law and his duty to obey it.

5) If you're a real burr under their saddle, you'd better get a verified copy of your case file, update it regularly, and check the court's copy of your case file *at least* monthly. It's not uncommon for important documents to "mysteriously" disappear from case files. In a serious case, don't bet that because you filed something last month, it's still in your file the day you go to court. Check closely, especially just before you go to trial. Verify that all of your documents are still included, and watch closely for new or unexpected documents filed by your adversary.

In most worldly affairs, an ounce of prevention is sufficient. In court, you need several pounds. Maybe tons.

Administrative haiku

Writing administrative notices is a strange art. You must first learn to distinguish between your own observations of facts and your personal opinions. You must then learn to write in a way that is impersonal and devoid of any obvious trace of your ego, conscience, anger, fear, or moral values, etc. You must learn to write such lifeless, impersonal and precise statements of facts and law, that the recipient will think you're an IRS computer. You must learn to write "like a machine".

Bizarre, no? It is an "art" to write like a "machine".

I am increasingly convinced there are few, if any, real "court room battles". Instead, the primary contest between you and the government is waged within the confines of the "case". Not out here in the real world, but *there*, inside that collection of documents called the "case". That's the arena; that's where the fight takes place. You can talk to a judge who's holding the

"case" in his hands all day, but unless your comments are physically inserted as documents into that "case," it is as if they were never said. We don't fight in court, we fight within the case.

Nevertheless, as I warned at the beginning of this article, this is pure conjecture – don't believe a word I wrote. We're still exploring administrative notices, and all I can say for sure is that they seems to work. Why and how they work remain unclear.

[1] And who can Schnook sue for malicious prosecution? Since no agents were involved in the initial "determinations" (which were graciously performed by *Mr. Schnook* and the computer), the agents aren't liable. And since Schnook can't very well sue the computer, he seemingly has no one to sue.

Although I doubt that it's ever been done, there is one group that might be sued: programmers and system analysts who constructed or maintained the computer notice program that tricked Mr. Schnook into convicting himself. What would happen if the *programmers* were put on proper notice of the relevant law and neglected to correct their computer programs accordingly? Could the programmers be held liable in court?

[2] At least one government agency was so overwhelmed by its case load, that its bureaucrats started stuffing unprocessed cases in the space above the ceiling tiles over their desks. This system of "handling" cases worked well until the frame supporting the ceiling tiles buckled under the weight, collapsed, and a shower of ceiling tiles, light fixtures and "disappeared" cases rained down on the bureaucrats below.

[3] This is an interesting insight since our courts typically ask defendants if they wish to plead "guilty" or "not guilty". If you plead guilty, you are. If you plead "*not* guilty" you offer a statement that's logically *impossible* to prove. Heads they win, tails you lose. Since it's logically impossible to prove you are "*not* guilty," I suspect you'd be better off pleading to be "innocent".

[4] Once you've expressly agreed (or silently assented) to all relevant law and facts, I suspect some sort of "contract" may be established. Without a disagreement/ controversy for a court to resolve, you must simply pay your fine as agreed, or risk trial for breaching the "contract" created by the agreed presumptions.

But what is the disagreement/ controversy about? The *facts* of the case (that you were speeding)? Or the agreed "*contract*"? For example, when you go to court for a speeding ticket, is the issue whether you were driving over 65 M.P.H.? Or is the issue whether you subsequently assented to a "contract" wherein you unknowingly agreed to pay a fine for speeding? If the "fact" that you were speeding is established by the ticket and is uncontroverted within the case, the defendant's first (perhaps only) issue is to challenge the validity of the (presumed) "contract".

I suspect you're not being tried for speeding, but for breach of a subsequent breach of "contract".

[5] There may one enormous exception: A conclusion might be included in a notice, if the conclusion were presented as a presumption to be verified and agreed to by the notice recipient. Thus, if the government sends a notice including the conclusion that Smith shot Brown, and Smith does not deny, the presumptive conclusion might be elevated to the status of fact.

Kids, Please Don't Try This At Home

We published "Are Federal Plea Bargains Unconstitutional" in the *AntiShyster* Volume 9 No. 2. This article explained that according to the 6th Amendment, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury . . . ."

Plea bargains are agreements where, in return for a reduced sentence, defendants agree to plead guilty and waive their 6th Amendment right to a trial by jury.

Anyone who's watched a plea bargain sentencing hearing has heard the wise old judge sternly question the defendant to insure that his waiver of right to trial by jury was based on adequate knowledge and understanding. The criminal defendant (who typically doesn't understand how to spell his middle name) will solemnly assure the judge that he understands the significance of waiving his right. The charade over, the judge will cheerfully sentence the defendant to five years in the slammer.

Over 95% of all criminal cases are handled by plea bargains rather than trials by jury. In fact, the entire criminal justice system is so dependent on plea bargains that if plea bargains were ruled unconstitutional (or if defendants simply stopped agreeing to go to prison without a trial by jury), the backlog on criminal court cases would instantly grow by over 2,000%, the system could only prosecute truly violent or egregious crimes and would be forced to ignore trivialities like "possession of a controlled substance." The holy drug war would collapse. Prison overcrowding would be a thing of the past. Additional prison construction would be unnecessary for several decades or generations.

However, while everyone has focused on the defendant's right to demand (or waive) a trial by jury as guaranteed by the 6th Amendment, Article III of the Constitution (which also mentions trials by jury) has been overlooked.

Article III establishes the judicial branch of federal government, and mandates in Section 2, Clause 3 that "The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury;. . . ." (emph. add.)

This Article III "trial by jury" is not a right afforded to defendants. It is a *duty* imposed on the entire federal judiciary. No individual — be he judge, prosecutor or defendant – can waive a constitutional *duty* imposed on the judiciary. The only way to avoid that duty is to pass a constitutional amendment. Until such amendment is passed, there can be no constitutional plea bargains for Crimes prosecuted in Article III courts at the federal level.

And yet, the federal government uses plea bargains every day to obtain the majority of federal "convictions". Obviously, these plea bargains violate the duty imposed on all Article III courts for Criminal trials. So are federal plea bargains unconstitutional?

Prob'ly not.

Why?

There are several hypotheses which might explain why a seemingly prohibited plea bargain might still be "constitutional":

1) The Criminal cases are not being heard in Article III courts. Instead, Congress has the power to create entirely different kinds of courts that may look like Article III courts, but actually function under Article I (legislative branch of government), Article II (executive branch of government) or Article IV (territorial government). Article III courts are designated as "District Courts *of the United States*"; courts operating outside of Article III are designated as "United States District Courts."

Although the Constitution prohibits plea bargains in Article III (judicial branch) courts, there

is no similar prohibition for legislative, executive or territorial courts operating *outside* of Article III.

2) Although defendants are apparently charged with a "crime" to be prosecuted under "criminal jurisdiction," their actual offence is prosecuted as something else – perhaps a "civil" offense in a "civil" court. For example, the apparent "crime" of murder might be prosecuted as a civil offense in a noncriminal court. In this case, a "crime" is not truly a "Crime". There is no constitutional duty to provide trial by jury in cases which are not truly "criminal."

3) The defendant's status does not entitle him to a Trial by jury for a Criminal offense in an Article III court. For example, is the defendant a "Citizen of the United States" as used in Article I, Section 2, Clause 2 of the Constitution? Is he a member of the class of persons created by the 14th Amendment and designated "citizens of the United States"? Is he a "U.S. citizen" as denoted on the back of voters registration cards? Does he have a Social Security Number indicating that he is a "beneficiary" of a government trust such as Social Security?

Although a "Citizen of the United States" (a Citizen of a State of the Union like "Texas", but not the corporate "State of Texas") would probably be tried in an Article III court, a member of the class "citizens of the United States" created by the 14th Amendment might automatically fall under the legislative jurisdiction of the Congress and thus, not necessarily the Article III judicial jurisdiction. I suspect the "U.S. citizen" and "beneficiaries" of government-created trusts are also subject to congressional legislative jurisdiction and legislative tribunals other than Article III.

Thus, although federal plea bargains would be unconstitutional violations of Article III, it's possible that current plea bargains are constitutional. However, if that constitutionality is real, it must be based on a massive deception since virtually anyone who is tried as a "criminal" in federal court is led to believe that he's in an Article III court of the *judicial* branch of government.

So, if prisoners convicted by plea bargains challenge those plea bargains as unconstitutional violations of Article III, the courts must either rule:

1) pleas bargains are unconstitutional (in which case the use of plea bargains and massive expansion of federal "criminal" jurisdiction and prosecution will be instantly terminated) or,

2) plea bargains *are* constitutional – and in doing so, reveal some or all of the mechanisms that are currently used to deceive defendants into unknowingly accepting plea bargains for noncriminal charges in nonjudicial courts.

If plea bargains are ruled unconstitutional, we win a battle in the war to reduce federal criminal jurisdiction and regain former state and local control of government. On the other hand, if plea bargains are ruled "constitutional", we learn how the system actually operates and how better to defend ourselves against it. Either way, we're better off since the federal government will lose it's ability to prosecute insignificant cases based primarily on deception.

If plea bargains aren't heard in Article III judicial courts and/or alleged "crimes" are being prosecuted as something other than crimes, it's a certainty that no one (not investigator, prosecutor, defense lawyer or judge) notified the defendant. I'm sure that every criminal defendant that plea bargains in federal court assumes 1) he is being tried as a "criminal" in exactly the same sense as the term "criminal" was used in 1787; and 2) his case is being heard in an Article III judicial court.

If either of those assumptions are false, then it's certain the defendant did not truly "understand" what he was doing when he waived his right to a trial by jury. If the defendant did not understand when he agreed to the plea bargain, the resulting contract with the state may also be voidable.

The prosecutor and judge's obligation to notify a defendant of his right to a trial by jury may be debatable, but the defense lawyer's obligation should be clear. If a defendant is convicted by plea bargain in a nonjudicial court for a noncriminal "crime," I suspect his defense lawyer may be liable for failing to fully notify his client of his rights.

A threat to prison security

The *AntiShyster* is read in some of the finest prisons in these United States. We therefore expected the article "Are Plea Bargains Unconstitutional" (Vol. 9 No. 2) to precipitate a number of prisoner challenges to the constitutionality of the plea bargains that landed them in prison.

Although I can't prove a causal link, it's at least an interesting coincidence that since the Plea Bargain article first appeared, at least one prison has sent us notice of its determination that the *AntiShyster* is a "threat to prison security" and is henceforth prohibited in that prison.

We've had several prisoners send us copies of motions they've filed to challenge the constitutionality of their plea bargains. But, while I expected to see individual prisoners file plea bargain challenges, I didn't expect to spark a political movement.

The following cover letter and Motion were used by Michael Adams (a self-described "Black American") to try to extract himself from prison and inform Black officials and political organizations around the country of the Article III basis for challenging plea bargains. Given the enormous number of Blacks who are incarcerated by plea bargains, it follows that Black political activists have a strong incentive to investigate the Article III strategy.

Although Mr. Adams' motion to challenge plea bargains appears inept, his political actions (informing political activist organizations) were excellent. Perhaps the African-American community will spearhead an assault on federal plea bargains.

Mr. Adams' cover-letter (sent with copies of his motion to Black activist groups) and motion (which was sent without cover letter to the courts) follow. The cover letter and motion are reproduced exactly as received; the spelling and grammatical errors are in the originals. The [bracketed comments] are my additions.

Cover letter

TO THE HONORABLE
BLACK PUBLIC SERVANTS
WHO THINK WHITE (HN/UT):

[This cover letter opens with a vague insult directed to the Blacks he's petitioning for help. If Mr. Adams dislikes Blacks who "think White", I presume he also dislikes Whites. His cover letter lists the names and addresses of Black officials and organizations contacted by Mr. Adams. For brevity, I'm deleting their mailing addresses, but they include: Justice Clarence Thomas, U.S. Supreme Court; Justice Leander J. Shaw, Florida Supreme Court; Board of Directors, national NAACP; Rep. Maxine Walters, Congressional Black Caucus; ACLU in both Florida and Georgia; President National Bar Association; Board of Directors, S.C.L.C.; and Ebony Magazine.]

[From] A BLACK AMERICAN
Michael Adams
52854—004 Unit D—2
2680 Highway 301 South
Jesup, Georgia 31599
7th day August, 1999

RE: ILLEGAL PLEA BARGAIN BY D.O.J. AND CONGRESSIONAL BLACK CAUCUS:

Dear Black Americans:

There comes a time in the Black History of America where the Black Citizens will be called upon to stand-up and be counted for their roots which is the Black Communities of America.

Clearly the Black Congress is absent any and all responsibility to their BLACK AMERICAN 'constituents' who sent them to Washington. Once in D.C. they lose all connection with the Blacks in their Congressional District. This will change in the 2000 Election.

[First, I object to the implication that Black Congressmen are more remote from their Black constituents than White Congressmen are from their White constituents. Once elected, all Congressmen – regardless of race – become equally remote from their constituents. Second, this problem will not be cured in the 2000 Election. Third, (again) there's no point to insulting the people you're asking for help.]

Please read MY "MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE AND IMMEDIATE RELEASE IN THESE CRIMINAL PROCEEDINGS PURSUANT TO 'NEW' U.S. CONSTITUTIONAL LAW, WHICH IS THE SUPREME LAW OF THE LAND. Period.

Black Americans, over 500,000 of your Black Brothers and Sisters are illegally incarcerated in State and Federal prisons today. The main problem is YOUR 'ignorance' of the U. S. Constitution which is the SUPREME LAW OF THE LAND".

This letter is for ME and the other 499,999 Black Brothers who are illegally incarcerated. Get off you B——A— and do something NOW.

[More insults]

Respectfully submitted this the 7th day August, 1999.

["Respectfully"??]

s/ Michael Adams,
A Black American

The motion

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA

AN ARTICLE III COURT

[Note that Mr. Adams is trying to have his Motion heard in a "District Court *of the United States*" (an Article III court) and not in a "United States District Court". His reason is simple: according to headnotes in Cochran et al v. St. Paul & Tacoma Lumber Co. 73 Fed Sup 288, "A United States District Court is purely a creature of legislative branch of government, generally provided for by Constitution, but not a constitutional court in the stricter sense, and its jurisdiction comes from Congress." (Emph. added.) By "stricter sense" I believe the case headnote means in the sense of "Article III" judicial courts which are constitutional.]

United States of America, Plaintiff,
vs.
Michael Adams, Defendant.

FOLIO IN REM:
97-CR-527-HIGHSMITH
Judge, Shelby Highsmith
Co-Defendant=Romeo Soriano
Plead Guilty
Co-Defendant=Winston James
Plead Guilty

[Mr. Adams' two co-defendants also accepted plea bargains.]

MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE AND IMMEDIATE RELEASE IN THESE CRIMINAL PROCEEDINGS PURSUANT TO 'NEW' U. S. CONSTITUTIONAL LAW WHICH IS THE SUPREME LAW OF THE LAND

COME NOW, Plaintiff, in this habeas corpus proceedings, dealing with Plea Bargain, in this collateral attack on procedure used by the Court (Judicial Branch) and the Department of Justice (Executive Branch) in the jurisdiction of the government (Court & Prosecutors) in this case.

Honorable Court, the U. S. Attorney (Executive Branch) was absent authority to bring this case before the Honorable Court. The U. S. Attorney was absent 'subject matters jurisdiction, & 'territorial' jurisdiction to prosecute this case before the Honorable Court. The U. S. Attorney, et al., violated their 'oath of office' under Title 28 USC § 544 and are guilty of perjury, and barratry/battetry before the court.

[What do allegations against prosecutors, etc., have to do with the primary issue of challenging the plea bargain's constitutionality?]

Honorable Court (Judicial Branch), this Court was absent authority to preside over this case, and was and is absent 'subject matter' JURISDICTION, 'territorial' JURISDICTION, and 'judicial' JURISDICTION in the above listed case. Honorable Court, YOU violated YOUR 'oath of office' under Title 28 USC § 453, and Article III of the United States Constitution and this is abuse of power of the court (18 § 401).

[How can accusing the judge (who will decide this motion) of a criminal act help to get a decision favorable to Mr. Adams?]

FEDERAL PLEA BARGAIN IS TOTALLY UNCONSTITUTIONAL UNDER ART. III, SECT. 2, CL. 3

Honorable Court, the United States Constitution 'specifies' a "TRIAL BY JURY" in (2) two different places: (1st) the (6th) Sixth Amendment which defines the Citizens right to a "TRIAL BY JURY" and (2nd) "UNDER 'ARTICLE III, SECTION 2, CLAUSE 3' WHICH IS THE SUPREME LAW OF THE LAND", which 'specifies' the POWER and DUTY of the JUDICIAL BRANCH of government and "MANDATES", 'The Trial of ALL CRIMES, Except in Cases of Impeachment, "SHALL BE BY JURY".'

Honorable Court, that, an individual might waive his (6th) Sixth Amendment 'individual' right to a "STATE" Trial by Jury; "NO INDIVIDUAL OR 'NO' PLEA BARGAIN COULD WAIVE AN 'ARTICLE III' Court 'DUTY' to provide a 'TRIAL BY JURY' IN ALL FEDERAL CRIMINAL CASES."

Honorable Court, 'ignorance' of the Law and the United States Constitution is no 'excuse' by the Court, Prosecution and MY Counsel.

Honorable Court, the only 'lawful' way to 'remove' the ARTICLE III Duty of this Court, is by a Constitutional Amendment, and Honorable Court this has not happened. This Honorable Court has a problem with MY Plea Bargain and MY illegal Sentence.

Honorable Court, in the 'absence' of a 'conviction by a federal criminal jury', this Honorable Court is "WITHOUT JURISDICTION" (Subject Matter/ Territorial/ Judicial) to impose MY sentence. Honorable Court, when YOU act absent subject matter/territorial/judicial jurisdiction you are liable for your actions and lose your alleged immunity herein.

[Again, why threaten the judge with another accusation? If the judge is guilty of misconduct, all that can be settled later. Right now, the only issue should be the plea bargain's constitutionality.]

Honorable Court, the State Bar, the American Bar Association and West Publishers are all liable for the illegal sentence issued to ME by this Honorable Court, and again ignorance of the Supreme Law of the land is no excuse. MY sentence will be vacated immediately.

THE UNITED STATES CONSTITUTION OF 1787± PLUS THE AMENDMENTS AND TREATIES IS THE SUPREME LAW OF THE LAND

[Here, Mr. Adams inserted the complete text of Article III of the Constitution, including the relevant Section 2, Clause 3 which mandates: "The trial of all Crimes, except in Cases of Impeachment, shall be by Jury;". . . . To save space, I've deleted the balance of Article III.]

HONORABLE COURT AND PROSECUTORS DO YOU HAVE A PROBLEM WITH THE U. S. CONSTITUTION

Honorable Court, in addition to Article III, Section 2, clause 3, I request you read Article III, Section 3, Clause 1, TREASON against the United States. Does this apply to the Court and Department of Justice (Executive Branch En Banc) herein.??!!

AMERICAN BAR ASSOCIATION (ABA), BRITISH LAWYER GUILD (BLG) AND INTERNATIONAL BAR ASSOC. (IBA)

YOUR 'collusion', 'barratry', 'obstruction of justice' and an ongoing racketeering enterprise with the "DEPARTMENT OF JUSTICE" and the Judicial Branch, will/shall/must come to a screaching-halt. NOW.??!!

[Why open your war on another front? What do the ABA, BLG, IBA, DOJ and Judicial Branch have to do with the primary issue of plea bargain constitutionality? Nothing. This is the kind of excess baggage that pro se litigators routinely load into their paperwork in the vain hope that by demonstrating all this "knowledge," they'll intimidate their adversaries. In truth, the best litigators write the shortest paperwork. Great shows of legal knowledge are about as effective at intimidating lawyers and judges as comedian Richard Pryor going through one of his "black belt Karate" routines to scare off some bad guys. These grand displays don't demonstrate strength; they show weakness. Any judge reading Mr. Adams' motion knows that (just like Richard Pryor is about to be stuffed in a garbage can when he starts his "black belt" routine), the litigant who wrote this motion is also about to be trashed.]

THE UNITED STATES CONSTITUTION IS THE SUPREME LAW OF THE LAND ALL STATUTES, U. S. CODES AND JUDICIAL ORDERS WHICH ARE IN CONFLICT ARE NULL AND VOID, PERIOD:

[At this point, for reasons known only to Mr. Adams, he inserts the complete text of Article IV of the Constitution including:

"The Citizens of each State shall be entitled to all the Privileges and Immunities of Citizens of the several States." (Section 2, Clause 1) and

"The Congress shall have Power to dispose of an make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; . . . ." (Section 3, Clause 2)]

Honorable Court, See Article VI, Section 2, clause 1 above as this is in plain and clear English. Honorable Court, See Article VI Section 3, clause 2, above which is in plain English. The United States District Court is an Article VI court, for the District of Columbia and the several territories, period, NOT the (50) fifty States.

[Mr. Adams needs a good proof-reader since the previous section of text mistakenly and repeatedly refers to "Article VI" of the Constitution rather than Article IV. Since Mr. Adams is "pro se" (acting for himself, without an attorney), the courts are mandated to construe his pleading "liberally" and overlook most grammatical and technical defects. Nevertheless, these kind of errors invite unsympathetic judges to reject this petition as nonsense.]

Now, Honorable Court, Nevada has prostitution for sale, Alaska has marijuana for sale and Montana has the 2nd Amendment as such, when you get out of prison in Montana 'you go to the closes GUN STORE and BUY YOURSELF A HAND-GUN, RIFLE or Shotgun.' NOW, I want the same privileges and immunities as the 'other' States. Read the U. S. Constitution, this is the law of the land.

[Mr. Adams also needs some common sense. Apparently, it's not enough to challenge plea bargains and maybe get out of prison. No. He's to got gild his lily with an additional "privileges and immunities" rant about his right to get a gun (just like the cowboys do in Montana) as soon as his plea bargain challenge frees him from prison. (Perhaps the warden will hand over his sidearm, loaded and cocked, to Mr. Adams as a going-away present when he leaves the prison.) Although Mr. Adams didn't directly claim his right to drugs and whores at this time, he will presumably get those him-

self, once the court releases him from prison and gives him a gun.]

Honorable Court, Judge, Shelby Highsmith, the above (4) four pages all from the United States Constitution, and this is the Supreme Law of the Land, and as such MY trial was tainted and the PLEA BARGAIN with Romeo Soriano and Winston James was NULL and VOID, See Page 2 and 3 above.

[Mr. Adams (a self-described "Black American") and his two co-defendants (Romeo Soriano and Winston James) all plea bargained "guilty" for reduced sentences. Gee, I wonder what sort of offense(s) these three gentlemen committed that caused their incarceration? Parking tickets? Collective jaywalking? Public intoxication? No — these codefendants were probably convicted for a serious crime — certainly a felony (several?), possibly involving violence and/or the use of firearms. Armed robbery, perhaps?

The probability that any court will grant a motion to release a "Black American" incarcerated for a violent crime is low. The probability that any court will grant a motion for release for a Black American incarcerated for a violent crime who also demands his right get a gun (and then some drugs and whores) as soon as he's released, is zero (or less).]

Honorable Court, the Florida Bar, the U. S. Attorney and this Honorable Court under Chief Judge, Edward B. Davis EN BANC, should have known the law of the land. Court, please read then re-read pages 1, 2, 3, 4, and this page agaimn, then I REQUEST MY Immediate Release NOW.

[You won't get an immediate release. You might get a new trial by jury.]

Respectfully submitted this the 5th day August, 1999.
s/ Michael Adams, Pro se, Defendant
52854—004 Unit D—2
FCI JESUP
2680 Highway 301 South
Jesup, Georgia 31599

Commentary

Mr. Adams' insults, threats and bizarre demands are ignorant, self-destructive and virtually guarantee that 1) his fundamental challenge to plea bargains will be ignored and 2) he will remain in the slammer. Why? Because his motion demonstrates educational, legal and emotional incompetence.

For example, even though Mr. Adams is clever enough to present a constitutional challenge to plea bargains, he is too poorly educated to spell properly. Some might say his spelling errors are trivial 'cuz "you get the idea". But in court precision is everything.

Although occasional spelling mistakes may be tolerated by the literate judiciary, repeated spelling mistakes signal a lower-class social and economic status. Low socio-economic status signals an inability to communicate confidently or effectively in public situations (like a trial) and a lack of financial resources necessary to hire an effective representative.

Implication? 99 times out of 100, a man who can't spell properly also can't litigate his way out of a paper bag – even when he's right.

It may not be fair, moral or just, but as a practical matter, people who can't spell properly lack the clout to be effective in court. Thus, their rights can be safely ignored and violated since they are too ignorant to effectively enforce their rights and hold their oppressors accountable.

Further, although the actual petition only mentions Mr. Adams' racial background once ("A Black American"), the cover letter implies that Mr. Adams doesn't like anyone, including prominent African-Americans, who "think White". Although Mr. Adams may be a warm, wonderful person who loves all races equally, his cover letter and motion imply that he's a Black racist who, at best, distrusts and possibly hates Whites.

Such racism is debilitating and self-defeating. No White judge will be sympathetic to the petition of a Black racist who wants to get out and get a gun. Remember Willie Horton? The legal system that "freed Willie," caused one presidential candidate and the whole Democrat party to suffer serious election losses. No judge, parole board or governor is going to risk the political heat that can follow free-

ing any one early from prison who resembles Willie in the least detail.

Even an African-American judge who hears Mr. Adams' motion will be similarly unsympathetic to the plea of an apparently violent Black criminal. Although Black judges and Black convicts may share certain understandings about racial discrimination, the Black judge has probably experienced more threats as a child from Black "ganstas" than White members of the Klu Klux Klan. That being so, the Black judge is unlikely to rule like some "homey from de 'hood."

Judges, be they White, Black, or Oriental, "think White". And if you want their sympathy (and you'll probably need it if you expect to win), you'd better write "White".

Mr. Adams' bigotry is also debilitating since he apparently doesn't like anyone (even other Blacks in the prison) who "think White". Result? He probably doesn't have any friends in the slammer who "think White" enough to proofread his motion. Without proofreading to "Whiten" his words, any judge (although they'll never admit it in public or in print) who reads Mr. Adams' petition will narrow his eyes and conclude the petitioner is just another "dumb, violent nigger" – and *nobody's* gonna take personal responsibility for letting another "dumb, violent nigger" out of the joint who *admits* wanting guns, drugs and whores.

The fact that Mr. Adams' motion was not proofread by someone else also indicates that he's a roaring egotist who's determined to act independently and is so unreasonably overconfident, that he can't work effectively with other people.

That kind of self-imposed isolation does not bode well for successful litigation. TV and movies lead us to believe that lawyers slug it out, toe to toe, in the courtroom arena as staunchly independent gladiators. But that's seldom so. Good "lawyering" is a *team* effort. While there may only be one lawyer speaking (or even grandstanding) in court, he is typically only the "pitch man" for an unseen team of backstage lawyers, researchers, and paralegals. Law is simply too complex for almost anyone (including lawyers and judges) to grasp singlehandedly. Litigants like Mr. Adams who act in law without some sort of counsel (even if only from a sensible friend) are unlikely to prevail.

Mr. Adams' insults against lawyers, judges, Blacks and Whites, are similarly ignorant. You can't expect help from people you insult.

In sum, Mr. Adams' own motion exposes him as angry, emotionally unbalanced, and too out of touch with reality to be effective. No matter how solid his constitutional challenge to plea bargains may be, his motion is self-defeating, almost comical, and virtually certain to be denied or ignored.

Incompetence is typical

The reason I take the time to criticize Mr. Adams' motion is that he's not alone in his incompetence. I'd bet that 80% of the pro se paperwork that crosses my desk (regardless of whether it's written by Blacks, Whites, or Browns) is similarly "full of" gratuitous threats, insults or irrelevant comments on law. All of this extraneous crap only reveals the pro se litigant is a punk who can be easily ignored and, if necessary, quickly defeated in court.

The pros don't write long-winded, stream-of-conscious diatribes. Instead, their petitions, motions and pleas are focused on one or two issues, concise and to the point. They don't write more than they have to because doing so exposes their strategy and strengths.

It's like playing draw poker. When the dealer asks "How many cards?" you can answer One, Two or Three – but it's dumb to say "Three aces". Doing so shows your hand. Smart litigators don't show their hands with long-winded "briefs".

Free advice . . . and worth every penny

For example, instead of providing a four-page lecture on judicial corruption and the convicts' right to get guns, Mr. Adams might simply have sent the court a Motion for Retrial something like this:

1. Article III, Section 2, Clause 3 of the Constitution for the United States of America (ratified 1789 A.D.) mandates that "The Trial of all Crimes, except in Cases of Impeachment, shall be by jury; . . . ."

2. On February 15, 1997, Michael Adams was charged with a Crime other than impeachment.

3. On July 1, 1997, Michael Adams appeared in the 27th District Court and was found guilty in a non-jury trial for the Crime previously charged and sentenced to five years in prison.

4. Michael Adams' defense lawyer provided ineffective counsel by agreeing to defend Mr. Adams in a trial conducted in violation of the duty to try all crimes by jury that is imposed on the court by Article III, Section 2, Clause 3 of the Constitution for the United States of America (1789).

5. The 27th District Court erred in that it did not satisfy the duty imposed by Article III Section 2, Clause 3 of the Constitution for the United States of America (1789) to try all Crimes by jury.

6. Mr. Michael Adams respectfully requests that the trial and sentence imposed on July 1, 1997, be rendered void and that he be granted a new Trial by jury for his alleged Crime as mandated by Article III, Section 2, Clause 3 of the Constitution for the United States of America.

A similar motion could fit on one or two pages. A good lawyer could enhance this motion and still reduce it by a third or more. Item 4 may be completely unnecessary or even unwise since it implicitly threatens a defense lawyer who the Court may want to protect.

Nevertheless, this is the kind of motion that I suspect has the highest probability of being granted. Short, (semi)sweet, and to the point. No insults, no (direct) threats, no extraneous rants about judicial corruption, treason and the Bar's ties to England. No identification of the petitioner's race, criminal tendencies or socio-economic background sufficient to trigger the judge's prejudices. Reading this motion, a judge might even assume the author was incarcerated for a crime as trivial as possession. That assumption might generate helpful sympathy and interest. Is that sympathy likely? No. But it is more probable, and thus worth pursuing.

If I were a judge reading a similarly brief motion, I'd show it some respect. Litigants who write volumes expose their insecurities, but those who write briefly and get to the point can be dangerous.

Although Mr. Adams' motion appears almost comical, we can learn from his mistakes. Focus on the primary point; eliminate all extraneous commentary. It is not your purpose to educate, but to attack. Be brief.

In law, less is more. ■

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The Genocide/ Gun Control Connection

by Uri Dowbenko

Aaron Zelman, Executive Director of the Jews for the Preservation of Firearms Ownership (JPFO), says there's absolutely no doubt gun control laws lead to genocide. Zelman believes that the case against gun control is self-evident. He cites historical statistics to prove his point.

In the 20th Century, there have been at least seven major genocides in which at least 56 million persons, including millions of children, have been murdered by officials of what he calls "governments gone bad."

The body count includes:

- Ottoman Turkey (1915-1917) – 1.5 million *unarmed* Armenians murdered.
- Soviet Union (1929-1953) – 20 million *unarmed* people who opposed Stalin murdered.
- Nazi-occupied Europe (1933- 1945) – 13 million *unarmed* people, including Jews, Gypsies and others who opposed Hitler, murdered.
- China (1948-1952) - 20 million *unarmed* anti-communists (not including Tibetans) murdered.
- Guatemala (1960-1981) – 100,000 *unarmed* Mayan Indians murdered.
- Uganda (1971-1979) – 300,000 *unarmed* Christians and rivals of Idi Amin murdered.
- Cambodia (1975-1979) – 1 million *unarmed* persons murdered.

In every case, before the wholesale slaughter began, at least one "gun control" law was on the book, says Zelman. In recent cases of US armed intervention, in which citizens were murdered in their own countries, Haiti had a "gun control" law (December 22, 1922, amended October 1, 1980) and so did Bosnia, when it was part of the former Yugoslavia (September 17, 1964).

The cynical arms embargo against the Bosnian Muslims, by the way, prevented people from defending themselves and thereby ultimately invited Bosnian Serb so-called "ethnic cleansing."

Nazi parallels with American gun control laws

In a fascinating book called *Gun Control: Gateway To Tyranny*, authors Jay Simkin and Aaron Zelman show that the Nazi Weapons Law (March 18, 1938) is the *source* of the US Gun Control Act of 1968.

In the book, the official German text of the Nazi law is presented side-by-side with its American counterpart. A section-by-section comparison with the American Gun Control Act of 1968 shows the undeniable lineage. Thus America's draconian gun control laws remain one of Hitler's lasting legacies.

According to the authors, the Nazi Weapons Law of 1938 replaced a Law on Firearms and Ammunition (April 13, 1928). The 1928 law was enacted by the German Government to curb so-called "gang activity," violent street battles between Nazi and Communist thugs.

Sound familiar? In America, "gang activity" has also been used as a pretext by strident anti-gunners.

"Gun control did not save democracy in Germany," says Zelman. "It helped make sure that the toughest criminals – the Nazis – prevailed over their unarmed victims. Then, when the Nazis inherited the lists of firearms and their owners in March, 1933, they used these registration lists to seize privately-held firearms from persons who were 'unreliable'."

"In 1938, five years after taking power, the Nazis enhanced the 1928 law with the Nazi Weapons Law which introduced handgun control. Firearms ownership was restricted to Nazi party members and other 'reliables,' while Jews were barred altogether."

Conclusion? A disarmed population can be slaughtered much more efficiently.

NRA maintains status quo

Controlled opposition groups like the National Rifle Association (NRA) have done

little to stop the march of totalitarian-style gun control.

"We [Jews for the Preservation of Firearms Ownership] are very different from the NRA. We believe that gun control should be destroyed," says Zelman in a recent taped interview. "We view gun control as a cancer, a cancer that will destroy the guardian of the Second Amendment of the Bill of Rights.

"The National Rifle Association pooh-poohs the idea of destroying gun control. They look for ways to compromise and work within the system. In doing so, they keep gun control alive.

"The 'Gun Owners of America' differs from JPFO in that they do a wonderful job of aggressively lobbying politicians, and they use a lot of our material. So we heartily endorse the GOA."

Those rebellious Canadians

Although the Canadian constitution does not include the right to bear arms, even the traditionally Milquetoast Canadians have recently looked back in anger at gun control laws. On December 1, 1998, a law went into effect requiring three million gun owners to register their estimated seven million rifles and handguns.

Gun owners, exempt from previous registration, refused and have even taken to the streets in protest. "Canadians should get upset," contends Zelman, "because of 'home invasions' where brazen armed criminals barge right in during daylight. The suspected victims are unarmed, so they [armed robbers] can just march right in there. I don't know how far the Canadian people are going to go with their disgust, but fortunately there is a growing number of people who are voicing their opposition."

Gun control laws did nothing to prevent a 14-year-old student from opening fire and killing a 17-year-old classmate in an Alberta high school, or a former Ottawa transit worker who went postal killing four, then shooting himself to death.

Handgun control's spooky history

Rumors persist that the anti-gun lobby, Handgun Control Inc., headed by Sarah Brady, is a CIA front. "I don't think it's a CIA front," says Zelman.

"The facts are that Edwin Wells, who worked with the CIA until he retired, actually helped fund Gun Control Inc. He helped Pete Shields get Handgun Control Inc. off the ground and running.

"Bill Casey, former director of the CIA, was also a promoter of Handgun Control. These people always talked about how they found out how dangerous handguns were in the hands of civilians. Civilians could kill those who were coming to kill them. And they didn't like that.

"The whole anti-gun movement, the whole anti-freedom movement has very murky beginnings," suggests Zelman. "But it shouldn't surprise anyone. During World War II, before the CIA was organized, the OSS [CIA's predecessor] brought in all of the Nazis. This has been documented in a number of books, like [Christopher Simpson's] Blowback."

Other books which deal extensively with the Nazi-gun control connection include the *Belarus Secret* by John Loftus (1989) and the *Paperclip Conspiracy: The Hunt for Nazi Scientists* by Tom Bower (1987).

"A lot of these people moved into the CIA, so why shouldn't we have Nazi gun control laws in America?" Zelman asks rhetorically.

Tyrano wannabes' agendas

So was the Columbine massacre a gun-control-agenda-forwarding event? "The timing of this was most curious," says Zelman. "If you look at [Congressman] Charlie Schumer and what he's doing, it's as if they were waiting. They were totally prepared. I think they had the legislation waiting for an incident, and they were prepared to bring it out as soon as the incident happened. And that's what they did. The timing was perfect. And they furthered their agenda. I think what's curious [is] how we see so frequently that these individuals who commit these heinous crimes so conveniently commit suicide. Or they're conveniently killed by somebody to make it look like it's suicide."

It's almost like watching a nonstop replay of the JFK "Lone Nut" Theory – year after year, decade after decade.

Instead of examining the role of illicit mind control experiments and powerful psychoactive drugs like Ritalin and Prozac, the Big Media Cartel promotes the unilateral disarmament of law-abiding American people.

Never again?

Don't hold your breath

Aaron Zelman has a lot of work ahead - especially in the current media environment.

"We published a booklet called Gun Control Is Racist," says Zelman, "It explains to people the history of why we even have gun control in America. It all started two hundred years ago with racism."

"The racist gun control laws were designed to make sure that a black person would have to have a permit to have a firearm, would have to pay a tax, would have to be registered and licensed. And that's the same kind of gun control laws they want to implement for everyone today.

"JPFO is unique among pro-firearm ownership organizations. After all, no one can label JPFO as 'anti-Semitic.' As a result, JPFO confronts Jewish politicians and organizations who urge disarmament of law-abiding Americans.

"And JPFO also exposes non-Jewish gun prohibitionists like Sarah Brady whose falsehoods erode the Constitution's protections that are most vital to Jews and other minorities."

JPFO's best selling posters and T-shirts make the point very clear. There's a picture of Hitler with a Cheshire cat grin. His right hand is extended in the Sieg Heil! salute. The caption says, "All those in favor of gun control, raise your right hand."

Email Uri Dowbenko at *u.dowbenko@mailcity.com* or read more of his columns at *http://www.nitronews.com/dowbenko.html*

Here's additional comment on gun control from the internet which I find relevant to Mr. Dowbenko's article:

The Law Enforcement Alliance of America (LEAA) is the nation's largest nonprofit, nonpartisan coalition of law enforcement professionals, crime victims, and concerned citizens united for justice. With more than 65,000 members and supporters, Law Enforcement Alliance of America is the nation's largest coalition of law enforcement, crime victims, and concerned citizens dedicated to making America safer. Together, they fight for legislation at every level of government to reduce violent crime while preserving the rights of all citizens, particularly the right of self-defense. LEAA strives to keep political debate focused on criminal behavior and criminal punishment, and to communicate the shared

opinion of the majority of law enforcement that gun control is not effective crime control.

In September, 1999, LEAA held a major news conference at the U.S. Capitol to coincide with an ad campaign directed at the White House and Members of Congress. The ad campaign was organized under the banner, "Stop Politicizing Law Enforcement, Start Prosecuting Criminals". The ads included the signatures of more than *two thousand* rank-and-file law enforcement officers who oppose the Clinton administration's crime initiatives, new gun control legislation in Congress and the President's release of Puerto Rican FALN terrorists.

According to LEAA Executive Director Jim Fotis, while "the President uses police chiefs for another political photo-op to push his anti-gun agenda, we held our own event to represent the rank-and-file police officers who are back home on the beat, protecting law-abiding American citizens. LEAA represented them before Congress to express their concern over the following:

· Why have prosecutions for federal gun law violations *plummeted 44%* under Janet Reno's Justice Department?

· Why has the White House refused to support full-funding for proven crime-fighting programs like Project Exile?

· Why did Bill Clinton recently grant clemency to 16 violent terrorists involved in bombing attacks that killed and maimed innocent Americans, including three N.Y. police officers?

"This President, almost on a daily basis, exploits the rank-and-file of the law enforcement community to further his anti-gun agenda, yet his own administration has a reprehensible record of prosecuting criminals who violate laws already on the books. It is an insult to the injured and maimed police officers and all in law enforcement who risk their lives on a daily basis to even consider more gun legislation and releasing convicted FALN terrorists for politically-motivated reasons.

"We want Congress to know, despite the political ploy of the White House, the majority of law enforcement officers don't support more gun laws. They support the 2nd Amendment and want Washington to stop putting politics ahead of public safety.

For more information on LEAA call Diana Banister or Nick Thimmesch at (800)536-5920 or (703) 739-5920. http://www.leaa.org/

Here's an Email I received:

Walking through a nearby shopping mall, I saw a really fine sporting goods store and went in. Inside, I spotted a glass case filled with new revolvers. "Hmm," I said, "How very interesting. Can the semi-autos be far away?"

Nope. There were just as many semi-autos for sale, in a range of variety I'd never seen outside of catalogs and magazines.

I told a salesman, "I'm really surprised and happy to see such a large selection of handguns in this store."

He sighed and said, "You wouldn't believe our sales. We've been 30% over our best projections, and we can barely keep up."

"Wow," I said. "What's that all about?"

"Bill Clinton. I've sold guns for a long time, but that guy has done more for the gun business than anything else I know. All the gun manufacturers put together couldn't match his advertising for handguns."

Ladies & gentlemen; we are not alone.

Billy Beck

Mr. Beck's point is that Clinton's incessant push for gun control has only served to sell more guns. Thanks to Clinton and the rest of the "gun control nuts," Americans are better armed today than ever before.

Clinton crows about the nation's falling crime rate as a consequence of his economic policies. Maybe so. But I suspect the average criminal understands better than most that since Americans are better armed – and empowered by several states to carry concealed handguns – it's increasingly foolhardy to break into homes or assault people on the streets.

A few years ago, most people were typically unarmed and therefore soft targets for crooks. Today, thanks to Clinton, the public is armed and dangerous and the crime rate has fallen ac-

cordingly. I suspect the correlation between rising gun sales and decreasing crime is less a coincidence than a bitter irony for Clinton.

Even if rising gun sales don't cause falling crime rates, they prove that rising sales – and thus the availability of hand guns – do not contribute to rising crime or homicide rates. The fact that gun sales are rising at the same time crime rates are falling proves government's cherished "link" between guns and violent crime is invalid. Whatever their reasons, people clearly don't commit murder simply because guns are readily available.

When you realize that rank and file police officers of the Law Enforcement Alliance of America, Jews for the Preservation of Firearm Ownership and unprecedented numbers of average Americans not only support the Right to Keep and Bear Arms, but are buying guns in unprecedented numbers, you have to wonder who precisely believes in gun control besides Bill Clinton, Sarah Brady and the mainstream media? Apparently, TV and public education have (so far) failed to "dumb down" Americans to the level government desires. (Perhaps they'll have to boost the fluoride in our tap water.)

Here's excerpts from another email article entitled, "Global Gun Grab" by Thomas R. Eddlem.

The United Nations is very troubled that the United States has retained its Second Amendment to the U.S. Constitution . . . . Radical new UN proposals treat free people with the means to effect their own self-defense as a vital threat to the UN and its "peace-building process."

The August 19, 1999, UN "Report of the Group of Governmental Experts on Small Arms" complains that "there are wide differences among States [nations] as regards which types of arms are permitted for civilian possession, and as regards the circumstances under which they can legitimately be owned, carried and used. Such wide variation in national laws raise difficulties for effective regional or international coordination."

Among the "coordination" proposals enthusiastically supported by UN Secretary-General Kofi Annan are:

- "All States should ensure that they have in place adequate laws, regulations and administrative procedures to exercise effective control over the legal possession of small arms and light weapons and over their transfer . . . ."
- "States are encouraged to integrate measures to control ammunition . . . ."
- "States should work toward . . . the prohibition of unrestricted trade and private ownership of small arms and light weapons . . . ."

To implement their gun control measures, UN officials plan to ignore the reservation of national sovereignty guaranteed in the UN Charter . . . which bans UN intervention in "matters which are essentially within the domestic jurisdiction of any state," but the UN is no longer concerned with legal niceties. Instead, Annan explained to the UN General Assembly that "state sovereignty, in its most basic sense, is being *redefined*. . . . A new, broader definition of national interest is needed in the new century [where] the *collective* interest is the national interest." [Emph. add.]

In Annan's view, the "collective interest" mandates that Americans and other peoples of the world should not own firearms and that the UN should be the key organ charged with collecting them. Annan emphasized that "controlling the easy availability of small arms is a prerequisite for a successful peacebuilding process," and is why the "United Nations has played a leading role in putting the issue

of small arms firmly on the international agenda."

This "peace-building process" may or may not help prevent wars between nations, but it will encourage the domestic conflicts in which unarmed civilians are murdered en masse by their own governments. This is an important point because – although the world is fascinated by the hi-tech violence of international war – the truth is that more people were killed in the 20th century by *their own governments* than were killed in wars. Statistically, all people are more likely to taxed into poverty, unjustly incarcerated or murdered *by their own governments* than they are to be robbed, bombed or killed by some foreign enemy. This is true anywhere in the world.

If the world is disarmed, will the UN protect disarmed civilians from attacks by their own government? A recent Email from the Christian Alert Network helps answer that question. Excerpts follow:

"Recently, radio talk show host Barbara Simpson (KSFO, San Francisco) interviewed Reverend Peter Hammond over the phone from Capetown, South Africa. Rev. Hammond has been a missionary for 18 years and wrote several books including 'Holocaust in Rwanda'.

"Rev. Hammond said he's watched U.N. personnel over the years and noted that, while many of the lower- or middle-level UN people were well-meaning "bleeding hearts," the UN's upper echelon people were 'absolutely' anti-Christian.

"In the Rwanda holocaust, the Tutsi were Christians, and the Hutus were primarily anti-Christians. Hammond said there were three operative anti-Christian forces: 1) voodooists/animists; 2) Marxists, who encouraged resentment against the Tutsis, who – as a result of their habits of clean-living, saving, investment, etc. – built up more material and financial success than the Hutus; and 3) Islamists.

"According to Hammond, *the U.N. disarmed the Tutsi population in advance of the genocide.* Spears, knives, machetes and all guns were confiscated. Hammond said that *all genocides have been preceded by disarmaments*.

"Rev. Hammond later saw thousands of bodies and/or skeletons of Tutsi victims of Hutu murderers in Rwanda. Hammond said UN personnel stood by and allowed the slaughter by machetes to occur, and at times even handed Tutsis over to the Hutu secret police."

If Reverend Hammond's observations are correct, the association between "gun control" and genocide is not merely a historical coincidence, but a modern reality.

Whatever their motives, the UN is at least reluctant, and certainly slow to respond to "domestic" conflicts between governments and their own citizens. (How many Tutsis died waiting for the UN to stop the slaughter and save them?)

So who, pray tell, will defend unarmed people (be they Tutsis, Jews or American patriots) against assaults by their own government? Not the UN. Not the domestic government. Not their unarmed neighbors. And even if any of those entities ultimately intrude – as in Rwanda or Nazi Germany, it will be months or years after the slaughter begins and thousands or millions of innocents are already dead.

In truth, the only earthly force to protect individuals and nations against assault by their own government is the People's right to keep and bear arms for self-defense against all enemies – foreign or domestic, criminal or elected.

Foremost among all earthly rights is the right of self-defense. There can be no effective self-defense for average people without the right to keep and bear arms.

According to Representative Ron Paul (R-TX), "The UN's call for gun control is an affront to our way of life and our constitutional government. Mixing gun control with internationalism is certain to result in an assault on American rights and liberties."

Representative Roscoe Bartlett (R-MD) observed that the UN's escalating gun confiscation campaign "fits the pattern of a UN that's become a refuge and foundation for promoting socialism and undermining national sovereignty and individual freedom." The eager involvement of the Clinton/Albright State Department in that campaign illustrates the administration's contempt for the Constitution, the rule of law, and our national independence.

Clinton's "Buy-back" Initiative

On September 9th, Bill Clinton unveiled another prong of the UN-directed global gun grab: A $15 million federal gun "buy-back" initiative to be implemented by the Department of Housing and Urban Development (HUD). A 1995 UN paper by Dr. Edward J. Laurance, a consultant to the UN Register of Conventional Arms, notes that the UN has studied both "buy-back programs as practiced in many American cities" and those "conducted by the U.S. Army in Haiti" – the latter being part of a "peacekeeping" mission carried out on orders from the UN Security Council.

Since the UN studies "gun control" operations in "Haiti and many American cities," will it also study Rev. Hammond's reports on the immediate and massively lethal consequences of disarming the Rwanda Tutsis? Did the Tutsis trust in a UN-sponsored disarmament? Did that disarmament cause thousands of Tutsis to be hacked into pieces? When will *that UN* study be released? And when will UN and U.S. gun control "experts" begin to admit the "genocide-gun control connection"?

According to Dr. Laurance, government "buy-backs" of small arms "must be conducted in parallel with other efforts," such as "seizure programs." He also points out that "buy-backs" have a propaganda benefit, in that they focus "attention on the link between weapons availability and crime" – thereby preparing the public for more aggressive civilian disarmament measures.

Sami Faltas of the Bonn International Centre for Conversion, an international "think tank" that advises UN officials on worldwide civilian disarmament programs, explained the program with stunning candor:

"A subtle mix of rewards and penalties is needed for a weapons [confiscation] program to succeed. Ultimately, the ownership of arms should not be left to the personal choice of individuals. The state needs to preserve its *monopoly* of the legitimate use of force. So sanctions against the illegal possession and use of arms are necessary and should be imposed. However, during a weapons collection program, an amnesty is needed, and the emphasis should be on voluntary compliance and positive incentives." [Emph. add.]

The objective is apparent: Gun "buy-backs" prepare the public for uniform gun registration, which leads to universal gun confiscation and a state monopoly on lethal force. This was the exact process that led to mass murder of subject populations in Soviet Russia, Nazi Germany, Communist China, and other tyrannies. With the covert aid of the Clinton administration, the UN is now implementing this process in America and across the globe.

The idea that government alone should have a "monopoly" on the "legitimate use of lethal force" sounds reasonable until you consider that a monopoly on "legitimate" force is, in fact, a monopoly on all force, including *illegitimate* force.

History proves that 20th Century gun control in Turkey, USSR, Nazi Germany, China, Guatemala, Uganda and Cambodia ultimately killed almost 60 million of those nations' own unarmed citizens – not foreign adversaries. Where governments have enjoyed a "monopoly on legitimate force," that monopoly inevitably caused the murder of millions of the very people the monopoly was supposed to protect. The evidence of the 20th Century makes clear that no government is sufficiently moral to

be trusted by its own people with a "monopoly on force".

Nevertheless, could it be that the U.S. government is an exception that we can confidently trust with such a monopoly? Not when you stop to think about JFK, Flight 800, Waco, Oklahoma City, Ruby Ridge, Agent Orange, the Gulf War Illness, the Clinton administration's repeated indictments for criminal acts and a history of government corruption and arrogant violations of the Constitution. *Our own* recent history proves there is no reason for any sane person to voluntarily surrender his right to keep and bear arms to our government. The simple truth is that no government, not even ours – especially ours!– can be trusted with an exclusive monopoly on force and weapons.

History also shows that whenever a warring nation was defeated, its surrender included its loss of arms. When errant cavalry officers were dishonorably discharged, their swords were broken over the knees of their commanding officers. When the Japanese surrendered after WWII, their military representative surrendered his sword to the victorious Americans.

Although surrendering dress swords appears to be mere formalities, these surrenders symbolize a greater underlying truth: The right to own weapons – for a nation or an individual – has always been *the* principal symbol of sovereignty. A king could lose his crown and castle and still be king. But a king who surrendered his *sword* was reduced to the status of subject.

Similarly, men and nations who are disarmed are inevitably reduced to the status of serfs, slaves and "untermenchen". Once that secondary, non-sovereign status is reached, genocide is seldom far behind. As someone said, "Those who beat their guns into plowshares will plow for those who don't." And once disarmed, if they refuse to plow, they'll be beaten, robbed, jailed or killed by those who still have guns.

Such is the way of the world, and it has been so throughout recorded history. Anyone fool enough to voluntarily surrender his gun to government should first use that gun to blow his own brains out. Surrendering guns is suicidal – not only for the individual, but for his family, neighbors and nation. Similarly, government-sponsored gun control, registration and disarmament are political equivalent of mass euthanasia.

The lessons of the 20th century are unmistakable: **There *is* a "genocide/ gun control connection".** One follows the other as surely as Winter follows Fall.

While gun control *might* reduce the incidence of random street violence, it inevitably increase the probability of unbridled genocide waged by governments against their own unarmed people.

The UN & Property Rights

by Henry Lamb

As you read this article, remember that according to Bouvier's Law Dictionary, all rights flow from *title*. That is, your right to drive "your" car flows from "your" *title* to that car. Even if you're a renter, your right to live in a particular home ultimately flows from the owner's *title* to that property.

The quality of your right to property is determined by the quality of your title to that property. Those with no title, have no rights whatever to that property. Those who have equitable title are "entitled" to use and possess property (much like a renter), but have no real right of control. Only those who have *legal* title (ownership) have real power and legal rights.

Once government assumes title to property (as in all Communist countries and currently does in the U.S. with legal title to cars), the people are deprived of title to property and lose their individual rights relative to that property. Thus, any attempt by government to assume legal title to property "for the benefit of the people" is in fact a pretext to deprive people of their *legal rights*.

Dividing "perfect" or "paramount" title to property into legal and equitable titles is the essence of all trusts. Once perfect title is divided, trustees hold legal title (and real control) of trust property while beneficiaries hold equitable title (right to possess and use) trust property. In trusts, beneficiaries have no legal rights, no standing in courts of law, and are totally dependant on the "good faith" of trustees to administer the trust for the common good of the beneficiaries. Although beneficiaries can seek "relief" from errant or corrupt trustees in courts of equity, that relief is unreliable and easily denied.

As you read this article, note how often the terms "trust", "trustee", "benefits", and "use" appear in UN documents. Repeated use of these terms leave little doubt that the UN and/or "New World Order" are intended to operate as *trusts* wherein the UN "trustee" owns legal title to all property and the world's people are mere "beneficiaries" who, by definition, are without legal title, legal rights or legal recourse.

The right-less status of "beneficiaries" is identical to that of pre-Civil War slaves. No matter what the color of your skin, to be a government "beneficiary" is the modern equivalent of being a "nigger". You may live as well as any "house nigger" in the old South, but in end, without legal title to property, you have no legal rights and – black, white, or brown – in the eyes of government trustees, you're nothin' but a nigger.

The danger in trust-based governments is that beneficiaries are absolutely subject to domination and exploitation by errant or corrupt trustees. When government operates as a trust (rather than a Republic, for example), and that government's judges serve as trustees to administer and protect the government/trust – beneficiaries have no real remedy against exploitation by government trustees except violence and civil war.

Judging from the following excerpts, the UN recognizes and seeks to reduce the beneficiaries' tendency to violence by promoting "stakeholder" councils to "advise" government. I suspect the term "stakeholder" is synonymous with "beneficiary" and the purpose of "stakeholder councils" is to release some of the political steam from irate beneficiaries, cause problems to be blamed on stakeholder coun-

cils (which have no real power) rather than the trustee-government, and create the illusion of democracy. But there is no democracy in a trust. The votes of beneficiaries are no more binding on trustees than the votes of children on their parents.

Note also the frequent use of the term "collective". No one can read the following excerpts from UN documents without concluding the UN seeks to create a communist-collectivist world government wherein all people are reduced to the right-less status of "beneficiaries". One of the first steps in establishing this right-less society is to deprive the People of their right to own legal title to private property.

Note also the UN's support for values contrary to moral principles established by the Old and New Testaments. Judging by the following excerpts, the UN is either godless or serves a god other than that of the Bible.

As usual, the [bracketed dark blue text] are my insertions in Henry Lamb's illuminating essay. Read closely, there's a great deal to be learned from this article.

To the framers of the U.S. Constitution, property was as sacred as life and liberty. The inalienable right to own – and control the use of – private property is perhaps the single most important principle responsible for the growth and prosperity of America. It is a right that is being systematically eroded.

Private ownership of land is not compatible with socialism, communism, or with global governance as described by the United Nations. Stalin, Hitler, Castro, Mao – all took steps to forcefully nationalize the land as an essential first step toward controlling their citizens. The UN, without the use of military force, is attempting to achieve the same result.

The land policy of the United Nations was first officially articulated at the UN Conference on Human Settlements (Habitat I), held in Vancouver, May 31 - June 11, 1976. Agenda Item 10 of the Conference Report sets forth the UN's official policy on land. The Preamble says:

"Land . . . cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice; if unchecked, it may become a major obstacle in the planning and implementation of development schemes. The provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interests of society as a whole. Public control of land use is therefore indispensable . . . ."

The Preamble is followed by nine pages of specific policy recommendations endorsed by the participating nations, including the United States. Here are some of those recommendations:

Recommendation A.1

(b) All countries should establish as a matter of urgency a national policy on human settlements, embodying the distribution of population . . . over the national territory.

(c)(v) Such a policy should be devised to facilitate population redistribution to accord with the availability of resources.

Recommendation D.1

(a) Public ownership or effective control of land in the public interest is the single most important means of . . . achieving a more equitable distribution of

the benefits of development whilst assuring that environmental impacts are considered.

(b) Land is a scarce resource whose management should be subject to public surveillance or control in the interest of the nation.

(d) Governments must maintain full jurisdiction and exercise complete sovereignty over such land with a view to freely planning development of human settlements . . . .

Recommendation D.2

(a) Agricultural land, particularly on the periphery of urban areas, is an important national resource; without public control land is prey to speculation and urban encroachment.

(b) Change in the use of land . . . should be subject to public control and regulation.

(c) Such control may be exercised through:

(i) Zoning and land-use planning as a basic instrument of land policy in general and of control of land-use changes in particular;

(ii) Direct intervention, e.g. the creation of land reserves and land banks, purchase, compensated expropriation and/or pre-emption, acquisition of development rights, conditioned leasing of public and communal land, formation of public and mixed development enterprises;

(iii) Legal controls, e.g. compulsory registration, changes in administrative boundaries, development building and local permits, assembly and replotting.

Recommendation D.3

(a) Excessive profits resulting from the increase in land value due to development and change in use are one of the principal causes of the concentration of wealth in private hands. Taxation should not be seen only as a source of revenue for the community but also as a powerful tool to encourage development of desirable locations, to exercise a controlling effect on the land market and to redistribute to the public at large the benefits of the unearned increase in land values.

[Apparently, the "concentration of wealth" is a persistent bugaboo for the UN – but what about the *creation* of wealth? While private property may foster the concentration of wealth in private hands, to what extent is private property responsible for *creating* that wealth in the first place? Without private property to inspire and reward individual competition, will society create any wealth at all – "concentrated" or otherwise?]

(b) The unearned increment resulting from the rise in land values resulting from change in use of land, from public investment or decision or due to the general growth of the community must be subject to appropriate recapture by public bodies.

["Recapture" is virtually certain so long as owners are physically close to their property and therefore spend their profits where they are generated. Distant ownership (as by a distant UN headquarters) will suck the profits out of local areas and leave them impoverished. See "Bumble Bee Economics," this issue.]

Recommendation D.4

(a) Public ownership of land cannot be an end in itself; it is justified in so far as it is exercised in favour of the common good rather than to protect the interests of the already privileged.

[But who will define "the common good"? The common people or elitists of the UN?]

(b) Public ownership should be used to secure and control areas of urban expansion and protection; and to implement urban and rural land reform processes, and supply serviced land

at price levels which can secure socially acceptable patterns of development.

Recommendation D.5

(b) Past patterns of ownership rights should be transformed to match the changing needs of society and be collectively beneficial.

[We'll be collective "beneficiaries" who, by definition, have no legal rights and thus, no standing in a court of law.]

(c)(v) Methods for the separation of land ownership rights from development rights, the latter to be entrusted to a public authority."

The official U.S. delegation that endorsed these recommendations includes familiar names. Carla A. Hills, then-Secretary of Housing and Urban Development became George Bush's Chief trade negotiator. William K. Reilly, then head of the Conservation Foundation, became Bush's Environmental Protection Agency administrator. Among the Non-Governmental Organizations (NGOs) present, were: International Planned Parenthood Federation; World Federation of United Nations Associations; International Union for the Conservation of Nature (IUCN); World Association of World Federalists; Friends of the Earth; National Audubon Society; National Parks and Conservation Association; Natural Resources Defense Council; and the Sierra Club.[1]

These ideas came to America in the form of the Federal Land Use Planning Act which failed twice in Congress during the 1970s. Federal regions were created and the principles of the UN land policy were implemented administratively to the maximum extent possible. NGOs were at work even then, lobbying for the implementation of UN land policy at the state and local level.

Both Florida and Oregon enacted state Comprehensive Planning Acts. Florida created state districts and multi-county agencies to govern land and water use. Most states, however, were slow to embrace the UN initiative toward centralized planning and land management.

By 1992, the UN had learned to tone down its language and strengthen its arguments. The UN, working in collaboration with its incredible NGO structure – operating at the behest of the International Union for the Conservation of Nature (IUCN), the World Wide Fund for Nature (WWF), and the World Resources Institute (WRI) – made sure that the decade of the 1980s was awash with propaganda about the loss of biodiversity and the threat of global warming.

The foundation for the propaganda campaign may be found in three publications published jointly by the UN and its NGO collaborators: World Conservation Strategy, (UNEP, IUCN, WWF, 1980); Caring for the Earth, (UNEP, IUCN, WWF, 1991); and Global Biodiversity Strategy, (UNEP, IUCN, WRI, 1992). These documents, along with Our Common Future, the report of the 1987 Brundtland Commission (UN Commission on Environment and Development) set the stage for Earth Summit II, the UN Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992.

This conference produced Agenda 21, the ultimate plan of action to save the world from human activity. The document echoes the 1976 document on land use policy, though in somewhat muted terms. From Section II, Chapter 10 (page 84):

"Land is normally defined as a physical entity in terms of its topography and spatial nature; a broader integrative view also includes natural resources: the solids, minerals, water and biota that the land comprises. Expanding human requirements and economic activities are placing ever increasing pressures on land resources, creating competition and conflicts and resulting in suboptimal use of both land and land resources. It is now essential to resolve these conflicts and move towards more effective and efficient use of land and its natural resources. Opportunities to allocate land to different uses arise in the course of major settlement or development projects or in a sequential fashion as land becomes available on the market. This provides opportunities . . . to assign protected status for conservation of biological diversity or critical ecological services.

Objective 10.5

"The broad objective is to facilitate allocation of land to the uses that provide the greatest sustainable benefits and to pro-

mote the transition to a sustainable and integrated management of land resources:

(a) To review and develop policies to support the best possible use of land and the sustainable management of land resources, by not later than 1996;

(b) To improve and strengthen planning, management and evaluation systems for land and land resources, by not later than 2000;

(d) To create mechanisms to facilitate the active involvement and participation of all concerned, particularly communities and people at the local level, in decision-making on land use and management, by not later than 1996.

Activities 10.6:

"(c) Review the regulatory framework, including laws, regulations and enforcement procedures, in order to identify improvements needed to support sustainable land use and management of land resources and restrict the transfer of productive arable land to other uses;

(e) Encourage the principle of delegating policy-making to the lowest level of public authority consistent with effective action and a locally driven approach.

Activities 10.7:

"(a) Adopt planning and management systems that facilitate the integration of environmental components such as air, water, land and other natural resources using landscape ecological planning . . . for example, an ecosystem or watershed;

(b) Adopt strategic frameworks that allow the integration of both developmental and environmental goals; examples of those frameworks include . . . the World Conservation Strategy, Caring for the Earth . . ."[2]

Between 1976 and 1992 a new strategy for land use control was devised. It is subtle, sinister, and successful. Reread 10.6(e) above: "Encourage the principle of delegating policy-making to the lowest level of public authority consistent with effective action and a locally driven approach." The reference to "public authority" here is not to elected city councils or county commissions. The reference is to newly constituted "stakeholder councils" or other bodies of "civil society" that consist primarily of professionals functioning as representatives of NGOs affiliated with national and international NGOs *accredited by the United Nations*. This strategy is becoming increasingly effective. [Emph. add.]

Earth Summit produced other documents which directly affect private property rights and land use: the Convention on Biological Diversity, which authorized the production of the Global Biodiversity Assessment (GBA).

The GBA is a massive, 1,140-page document that supposedly provides the "scientific" basis for implementing the Convention on Biological Diversity and other environmental treaties. It discusses land-use extensively (approximately 400 pages). Some of the more poignant revelations may be found in Section 11.2.3.13 (page 767):

"Property rights are not absolute and unchanging, but rather a complex, dynamic and shifting relationship between two or more parties, over space and time."

The legal approach to this UN view of property rights is discussed in Section 11.3.3.2 (pages 786-787):

"Plants and animals are objects whose degree of protection depends on the value they represent for human beings. Although well-intentioned, this specifically anthropocentric view leads directly to the subordination of biological diversity, and to its sacrifice in spite of modern understanding of the advantages of conservation.

[In Western civilization, the "anthropocentric" (man-centered) view is ultimately based on the Biblical belief that man is created in God's image and thus superior to all other forms of life. This belief lays the moral foundation to prohibit murder and cannibalism. A non-anthropocentric view of our relationship to plants and animals contradicts our belief in Old and New Testaments and, if implemented, forces us to surrender our belief in Yahweh and Jesus. Thus, we can infer that the UN is either an ungodly organization or – if spiritual – it worships a god other than that of the Bible.]

We should accept biodiversity as a legal subject, and supply it with adequate rights.

[This implies that man

(whose duties and consequent rights are given by God) should grant rights to animals. The danger is not precisely that man grants rights to animals, but that man-made animal rights are ultimately viewed as equal or superior to God-made rights for man.]

This could clarify the principle that biodiversity is not available for uncontrolled human use. Contrary to current custom, it would therefore become necessary to justify any interference with biodiversity, and to provide proof that human interests justify the damage caused to biodiversity."[3]

[Thus, the "burden of proof" would fall on man while advantageous "presumptions of innocence" accrue to animals. This is an absolute reversal of Biblical principles and evidence of a UN tendency to worship nature rather than God.]

Under the UN's concept of land and resource management, the owner is not even considered as one who may have a right to determine how his land is to be used.

It is a higher authority that represents the "community" to whom "proof" must be offered that a proposed use is justified. This process effectively separates the right of ownership from the right of use, an objective discussed in Recommendation D.5(c)(v) of the 1976 document.

[The separation of legal rights of ownership from equitable rights of use of property is the fundamental feature of all trusts.]

And who, exactly, is this "higher authority" to whom proof must be presented? The authority envisioned by the UN is not local elected officials, but rather local "stakeholder councils" dominated by NGO professionals. ["Comrade professionals"?]

Most Americans are totally unaware of this relentless, 20-year campaign by the UN to gain control over land use around the world. Many people believe that the UN is a distant, benevolent do-good organization that is expensive, but which has no direct affect on America. Nothing could be further from the truth.

The 1992 Earth Summit also produced the UN Commission on Sustainable Development and a new international NGO called Earth Council. Earth Council, located in Costa Rica, is headed by Maurice Strong, Secretary General of Earth Summit I and II, the first Executive Director of the United Nations Environment Program (UNEP), and a director of World Resources Institute (WRI). The function of Earth Council is to coordinate the work of national councils on sustainable development. Currently more than 100 nations have created national councils for the purpose of implementing Agenda 21 at the national level.

In America, the President's Council on Sustainable Development (created by Executive Order in 1993) presented its report, "Sustainable America, A New Consensus," in 1995. This report is a compilation of 154 action items patterned after Agenda 21, to be implemented in America. At its November, 1995 meeting, Council members who were also Cabinet members announced that at least 67 of the 154 action items could be implemented "administratively," without Congressional involvement. The 1995 report provides 16 "We Believe" statements, which embrace the 27 principles articulated in the Rio Declaration from Earth Summit II. Among those statements is this:

"We need a new collaborative decision process that leads to better decisions; more rapid change; and more sensible use of human, natural, and financial resources in achieving *our* goals." [Emph. add.]

The report states further:

". . . society outside of government – civil society – is demanding a greater role in governmental decisions, while at the same time impatiently seeking solutions outside government's power to decide.

[If the UN/ New World Order is to be built on the principle of trusts, the government will occupy the role of trustees and the people will be reduced to the status of "right-less" beneficiaries. If "civil society" is defined as "outside of government," it follows that "civil society" should identify the system's right-less beneficiaries. This implies that all things "civil" (like "civil rights" or "civil law") are really available to those condemned to the status of beneficiaries.]

Our most important finding is the potential power of and growing desire for decision processes that promote direct and meaningful interaction involving people in decisions that affect them."

The election process and representative government created by the U.S. Constitution is clearly unacceptable to the PCSD, which wants "civil society" (read: NGO dominated stakeholder councils) to become the local authority for not only land use decisions, but for a variety of other policy decisions as well.

The PCSD report says (page 113):

"What has become clear is that the conflicts over natural resources increasingly are exceeding the capacity of institutions, processes, and mechanisms to resolve them. The Council endorses the concept of collaborative approaches to resolving conflicts."

Conflicts arise because:

"Privately owned lands are most often delineated by boundaries that differ from the geo-

graphic boundaries of the natural system of which they are a part. Therefore, individual or private decisions can have negative ramifications. For example, private decisions are often driven by strong economic incentives that result in severe ecological or aesthetic consequences to both the natural system and to communities outside landowner boundaries."

In plain English, the PCSD has determined that private land owners make land use decisions that are inconsistent with the land use principles laid down in the Global Biodiversity Assessment, Agenda 21, and the 1976 report of the UN Commission on Human Settlements.

[Private ownership may be contrary to some UN intellectual's conception of utopia, but it is exactly consistent with the ancient instinct in virtually all living creatures to "own" and dominate a particular piece of land. This territorial instinct confers the survival advantages of steady food supply and breeding advantages to those members of a species who are strongest and best able to dominate and "own" their land. Moreover, this territorial instinct is arguably the fundamental principle underlying all social organizations from ant hives to New York real estate developers. It's certain that no amount of UN sophistry can ultimately offset or replace the ancient instinct to "own" territory. Moreover, territory and private property are the ultimate rewards for hard work and personal superiority. Once that reward is lost, what personal incentive remains to work hard, create wealth, enrich yourself and your society, and advance civilization? In a society that prohibits personal property, the only way for an individual to advance and be enriched is through violence, extortion and corruption (by taking property rather than earning it). It's no accident that collectivist societies which eschew private property rights quickly and inevitably sink into poverty, corruption and chaos.]

To solve this problem, the PCSD issued the following recommendations (page 115):

"Action 1. The President should issue an executive order directing federal agencies under the Government Performance and Results Act to promote voluntary, multi-stakeholder, collaborative approaches toward managing and restoring natural resources. [This is ultimate democracy: no one (no matter how hard he works) can own anything – but everyone (even the laziest and least competent) gets an equal vote in how property is distributed or used. Such system favors the lazy and penalizes the diligent. Tried in the former Soviet Union, this system caused "workers" to joke, "The government pretends to pay us, and we pretend to work." Result? Poverty, national collapse, social chaos, organized crime and, now, civil war.]

Action 2. Governors can issue similar directives to encourage state agencies to participate in and promote voluntary, multi-stakeholder, collaborative approaches.

Action 3. Public and private leaders (within the constraints of antitrust concerns), community institutions, nongovernmental organizations, and individual citizens can take collective responsibility for practicing environmental stewardship through voluntary, multi-stakeholder, collaborative approaches.

Action 4. The federal government should play a more active role in building consensus on difficult issues and identifying actions that would allow stakeholders to work together toward common goals. Both Congress and the executive branch should evaluate the extent to which the Federal Advisory Committee Act poses a barrier to successful multi-stakeholder processes, and they should amend regulations to help accomplish this."[4]

Interestingly, a recommendation of the PCSD's Population and Consumption Task Force, which was not included in the final report, said: "The President and Congress should authorize and appoint a national commission to develop a national strategy to address changes in national population distribution [i.e., the rights to travel and relocate] that have negative impacts on sustainable development."[5] Compare this recommendation to Recommendation A.1 from the 1976 Habitat document.

Implementation of the UN's land use philosophy is well under way in America, and is now being

accelerated through the use of the "collaborative process" using stakeholder councils. The 1973 Endangered Species Act has been expanded administratively to now cover not only endangered species, but the habitat which a listed species may wish to use – even though the habitat may be privately owned. This policy breathes life into the GBA recommendation to extend legal rights to biodiversity. It, in fact, clarifies "the principle that biodiversity is not available for uncontrolled human use."

The legal status of biodiversity has been further elevated by Vice President Gore's "Ecosystem Management Policy," which places biodiversity protection at the same priority level as human health, and which further instructs officials to consider human beings to be a "biological resource" in all ecosystem management activities.

Consistent with other PCSD recommendations, the federal government is actively funding stakeholder councils throughout the country to begin the process of creating "sustainable communities" as envisioned in Agenda 21. Sustainable communities are essential to the concept of land use and resource management envisioned by the Global Biodiversity Assessment, and required by the Convention on Biological Diversity.

Ultimately, if the UN plan is realized, *at least half* of the land area of North America will be converted to wilderness, off limits to human beings. An additional 25% will be controlled by government in collaboration with "civil society" in which individuals will have to prove that a proposed use will not harm biodiversity. Humans are to be relocated into "sustainable communities" that are described as "islands of human habitat" surrounded by natural areas.

It is now clear that the UN's land use policies, though refined over time, have had a predetermined objective from the very beginning. That objective – as bizarre as it may sound – is to place all land and natural resources under the ultimate authority of the UN. The official report of the UN-funded Commission on Global Governance, Our Global Neighborhood, calls for placing "the global commons" under the direct authority of the UN Trusteeship Council, and defines "global commons" to be: "The atmosphere, outer space, the oceans beyond national jurisdiction and the related environment and life-support systems that contribute to the support of human life."[6]

The Commission on Global Governance also calls for the creation of a new "Petitions Council" which would receive petitions from "Stakeholder Councils" in each nation for the purpose of directing the petitions to the correct UN agency for resolution and enforcement actions.

The objectives are real, published in official documents, and the process is well underway. The strategy originated with the IUCN, WWF, and the WRI, and is being advanced at the policy level through UN organizations, international treaties and agreements, and on the ground through a massive organization of "civil society" NGOs. Here, only the highest peaks of UN activity have been identified. Virtually every activity, conference, and action plan devised by the UN since the early 1970s has been aiming toward the ultimate objective of eventual global governance founded upon the principles of collectivism, central planning, and omnipotent enforcement, disguised by the language of equity, social justice, and environmental protection.

Sadly, American policy has failed to honor the Constitutional commitment to life, liberty and property. The next four years in America may well be the historic watershed that will be seen by future generations as the point from which the blessings of freedom were shared with the entire world, or the point from which the world began its descent into global tyranny.

[1] Information here cited is from "Report of Habitat: United Nations Conference on Human Settlements," Vancouver, 31 May - 11 June, 1976, (A/Conf.70/15), personally photocopied from the archives of the UN Library at Geneva, Switzerland, December 6, 1996. (On file)

[2] Citations from Agenda 21 are taken from: Agenda 21: The United Nations Programme of Action From Rio, ISBN No. 92-1-100509-4, UN Publication-Sales No. E.93.1.11. Address inquiries to: Room S-894, United Nations, New York, NY 10017, Fax: (212) 963-4556.

[3] The Global Biodiversity Assessment is published by the Cambridge University Press, ISBN No. 564316, and is available for $44.95 plus S&H by calling (914) 937-9600.

[4] Sustainable America: A New Consensus is published by the U.S. Government Printing Office, Mail Stop SSOP, Washington, DC 20402-9328, ISBN No. 0-16-048529-0.

[5] "Draft Recommendations from the PCSD and Response Examples," Eco·logic, Nov./Dec., 1995, p. 13.

[6] Our Global Neighborhood, The Report of the Commission on Global Governance, (New York: Oxford University Press, 1995), pp. 251-253.

Bumble Bee Economics

by Alfred Adask

There's an old (allegedly true) story that, according to technical studies by aeronautical engineers, bumble bees can't fly. They're too big, clumsy and aerodynamically unfit. The punch line, of course, is that since no one bothered to tell the bumble bees, they go right on flying.

The humor conceals the larger truth: The scientific conclusion that bumble bees can't fly says more about aeronautical engineers and their science than it does about bumble bees. Since bumble bees *do* fly, the engineers only proved that their science and understanding are incomplete or fundamentally flawed.

Our economy reminds me of the bumble bee story. Anyone with even a superficial understanding of economics who looks at the stock market, national saving rates, total consumer debt, etc., has to conclude that this economy not only can't fly, but should've crashed years ago. For years, various economists have predicted the "crash" would hit within sixty days, buy gold now, and stock up on food. Although I couldn't afford to stock up, I've believed a crash was imminent for years. Nevertheless, our "doomed" economy seems destined to fly forever. Apparently nobody told the "bumble bee" stock market it couldn't soar to 11,000, and so it did.

However – just as the conclusion that bumble bees can't fly tells us more about aeronautical engineering than bumble bees – if our stock market and economy defy conventional wisdom and seem to do the impossible, that doesn't tell us that the economy is magic, it tells us that there are forces at work that we don't understand.

For example, economists recognize a "multiplier effect" which mysteriously increases the beneficial economic impact of new money added into a local economy.

For example, when a Wisconsin tourist spends $1,000 in Miami, the local community receives a *positive* economic benefit equal to $5,000 to $7,000. Although the idea that $1,000 can somehow "multiply" into a $5,000 effect seems irrational, economists say it's so.

This article explores the possibility that the "multiplier effect" can also have *negative* economic consequences. I.e., if the tourist's $1,000 caused a $5,000 benefit in Florida, did it somehow also cause a $5,000 *loss* back in Wisconsin? If such negative consequences exist, the multiplier effect might explain some previously unseen economic forces, the similarity between colonies and corporations – and even why our bumble bee economy defies conventional wisdom and continues to fly.

In *AntiShyster* Volume 9 No. 2, the article "Concentration of Agricultural Markets" hinted at the fundamental changes in the social structure of rural American communities caused by corporate agriculture. According to three University of Missouri Phd.s (Drs. Heffernan, Gronski and Hendrickson):

"Today, most rural economic development specialists discount agriculture as a *contributor* to rural development because of the food system's emerging structure. Formerly, in most fam-

ily businesses . . . *profits* were . . . distributed locally among labor, management and capital. . . . [I]t made little difference how the profits were distributed . . . since the local family spent most of their profits in their local community. Thus, the rural community *retained all of the profits* [derived from local farms] and those profits. . . . contributed to the economic well-being of the community." [Emph. added]

"Today, however, large non-local corporations instantly remove farm profits from farm communities. Instead of being spent locally, farm profits now go to the company's distant headquarters and are then sent to all corners of the globe to be reinvested in the food system."

Note that even though local workers are still earning *wages* on these corporate farms, because *ownership* has moved outside the local community and taken farm *profits* with it, those farms no longer make any "contribution" to rural "development" (growth).

Thus, by reducing family farmers from *owners* (who by definition receive *profits*) to mere managers, laborers, growers or sharecroppers, (who merely receive wages) the globalized, corporate food system sucks farm profits out of farms, leaves rural communities to survive on farm wages alone, and thereby stunts the growth of entire rural areas.

This observation offers a stunning insight into the difference between wages and profits. Wages alone will not foster economic growth; only *profits* can fuel a rise in the community's standard of' living. And profits, of course, flow only to owners. No owners equals no profits equals economic decline.

To illustrate, suppose the Brown family owned and worked an Iowa farm. Suppose the owner (Bob Brown) used the farm land as collateral for a bank loan in the 1960s (when agriculture was hot). Unfortunately, weather and markets turned against farmer Bob, so he failed to repay the loan in the 1970s and thereby lost ownership of the farm through foreclosure.

When the new owner (a New York corporation) bought the Brown's Iowa farm, they "generously" allowed Bob and his family to continue managing and working the farm. Bob's family was pleased. Even though they'd lost ownership, they could still live on, manage and work "their" farm without suffering the humiliation of being driven off the land. Besides, the corporate owners provided such good medical, dental and life insurance benefits that losing ownership didn't seem so bad.

But no matter what sort of wages or benefits Bob's family received as corporate employees, they (and their local community) did not receive the farm *profits* (perhaps 20% of the gross income). Instead, those profits were whisked out of the Iowa community where they were *created*, sent to the corporate owners headquarters in New York and spent wherever the corporation wished.

If all the farms in this Iowa community were owned by distant, corporations, none of the community's farm *profits* would be spent within the community where they were *created*. For example, if twenty local farms each generated a $50,000 profit per year, their collective $1 million profit – that would normally be spent locally – would instead be transferred to corporate headquarters in New York.

A $1 million loss is significant in small, rural communities. As a result of this corporate drain, $1 million worth of televisions, microwave ovens, new cars and similar products that might otherwise have been bought in the local community will not be bought. Further, because the local electronics and automobile dealers won't sell as many TVs, microwaves and cars, they will also suffer reduced profits and also be less able to purchase additional products from their neighbors. Thus, the whole local community is economically diminished by just one member's sale of his property to a new but *distant* owner.

Invisible Multiplication

"Concentration of Agricultural Markets" (*AntiShyster* Vol. 9 No. 2) also explained, "So long as family businesses were the predominant system in rural communities, newly generated dollars [profits] in the agricultural sector would circulate in the community, changing hands from one entrepreneurial family to another three or four times before leaving the rural community. This 'multiplier effect' greatly enhanced the economic viability of the community."

This "multiplier effect" is a slippery, counter-intuitive concept. Even economists disagree about the multiplication effect's magnitude. Some say "three to four," other guesstimate as high as "five to seven". (I'll illustrate the balance of this article with a multiplier effect of five.) Whatever the magnitude, the multiplier effect is seen regularly in competition between big cities for tourist and convention dollars.

For example, suppose the National Fireman's Association is looking for a place to hold their annual three-day convention. And suppose that convention will be attended by 2,000 firemen who will spend an average of $1,000 each on hotel, food, taxis, souvenirs and entertainment. That means the city that

wins that convention will add $2 million into its local economy.

An extra $2 million is good for local business, local workers and local politicians. The hotel owner makes more money and buys a new car; the car dealer makes more money and buys a new TV; the TV dealer makes more money and takes his wife out for dinner. Everybody profits from the extra money brought into the local economy by the visiting firemen.

As a result of these cascading sales, some economists guesstimate that every outside dollar brought into a community changes hands as much as five to seven times and thereby "multiplies" into the equivalent of an extra $5 to $7 for the local community. This "multiplier effect" means that the extra $2 million spent at the convention will actually generate a "multiplied" gain of *$10* million in local business activity. That's why the City of Chicago will fight tooth and nail with the City of Miami to host the Fireman's Ball.

Negative multiplication?

But what people don't talk about is the *negative* consequence of the multiplier effect. If a local community enjoys a "multiplied" $5 million benefit for every $1 million in tourist or convention dollars it attracts, what happens to a community that loses $1 million when it's citizens fly south to Disneyworld? Doesn't it follow that the multiplier effect should cause the community that loses $1 million to suffer a $5 million loss in local economic activity?

I suspect that the multiplier effect is every bit as negative on communities that lose money as it is positive for communities that gain money. If so, when our hypothetical Iowa farm community sold 20 local farms to *distant* corporations (and the farms' $1 million collective profits were transferred to the *distant* corporations), a 5X "multiplied effect" of the *measurable* $1 million loss should cause the an "invisible" $5 million loss in local economic activity.

Result? The local community will lose its former economic vitality and begin to "mysteriously" run down. (How y' gonna keep 'em down on the farm, after you've sold out to a distant corporation?)

When farmer Bob went to work for the new corporate owner of his former family farm, Bob might've received better wages and benefits than he ever made when he owned the farm. Nevertheless, the $50,000 *profit* that farm owner Bob used to spend in the local community has been vacuumed out and sent to New York. The "multiplier effect" will cause this "little" $50,000 in lost profits to generate an "invisible" $250,000 loss to the local economy.

Point: even if a local farmer never seemed very prosperous, he was nevertheless making a "multiplied" (and far greater) contribution to his community than he ever made directly to himself. As such, his neighbors may have inadvertently profited more from his farm, than the farmer himself. Such farm owners are a true community benefactors who deserves much respect.

Man does not live by wages alone

When the local farm economy begins to decline, the local TV dealer and Ford franchise will make some extraordinary deals just hoping to stay in business. And of course, farm manager Bob (the corporate employee) will thank his lucky stars he's got the distant corporation to pay his wages while his local community slides into a mysterious depression. Being one of the few well-paid individuals left in the community, Bob might make

some great buys at his neighbors' "going out of business" sales.

Ironically, most local residents will envy farmer Bob's job with the New York corporation. Folks will admire the distant corporate owner precisely because they don't understand the significance of losing locally generated *profits* to outsiders.

However, in a year or two, the distant corporate owner might tell manager Bob to accept a pay cut (the former TV dealer is willing to manage the farm for just $25,000 a year). Because local profits are exported to distant corporations, local competition for work will be increased. Increased competition will eventually drive wages down to a subsistence level and push the entire local community deeper into depression.

Implication: Wages alone will not sustain a local community; *profits* are the lifeblood of any community's prosperity.

Why? Because in any business, profits are not what's "left over" after you deduct your costs for labor, material and overhead. Material costs and overhead are largely fixed, and labor rates are generally set at just enough for workers to survive on a hand-to-mouth basis. But profits are largely the wealth that you *create*. And in some mysterious fashion, these creations are the primary fuel for economic growth.

Profits are our "savings," they are the cushion we need to carry us over unexpected expenses like a tornadoes, crop failures or birth of another child. Without profits, a community can't cope with emergencies or even afford to have more children without sinking deeper into poverty.

For example, if a community of 100 persons earns $10,000 in total wages a year, the average income per person (standard of living) is $100 per year. If that community has ten more children but their wages remain the same, the average income per person will drops to $91 per year. Without added profits, communities not only can't grow, they sink into poverty, wither in size and tend to become ghost towns.

Like rent (money paid to the *owner* of property) profits also flow to *owners*. Once a community loses *local* ownership of local land, industry or retail businesses, whatever profits that community creates and would otherwise enjoy, will be sucked out of that community. Given the "multiplier effect," the resultant losses to the local community can be devastating.

The devil's in the distance

The problems caused by "distant" ownership of property are fairly easy to see in the rural farm setting, but the same process is going on all over the world. For example, when Walmart builds a new store in Dallas, it inevitably bankrupts scores of "mom-and-pop" family businesses that used to sell food, hardware or magazines. Nobody cares. Those mom-and-pop operations were "small time" and probably never made more than a $50,000 annual profit, anyway.

But given the multiplier effect, each of those mom-and-pop businesses might've generated the equivalent of $250,000 a year in local economic activity for their community. So if Dallas loses 100 mom-and-pop businesses to install one Walmart, the Dallas community may be collectively (and "invisibly") impoverished by $25 million a year as "multiplied" profits from former mom-and-pop stores are sucked out of Dallas and sent to Walmart's distant corporate HQ.

And does local government discourage Walmart from building in Dallas? Noooo! We offer tax breaks to entice 'em into Dallas even though we bankrupt local mom-and-pop operations.

We think we're getting a good deal because we're promised cheaper prices and more jobs at the new Walmart. But we ignore the fact that we'll probably lose even more jobs from "mom and pop" stores bankrupted by Walmart competition. And more importantly, we'll lose the *profits* that mom and pop stores used to generate.

Another example: Suppose the old mom and pop appliance store used to sell microwave ovens for $100 and made a $20 profit. But when Walmart comes to town, you can get the same microwave for just $85. That $15 savings looks like a great deal, and any loyalty you might've felt for "mom and pop" disappears.

But bear in mind that when mom and pop sold microwaves for $100, their $20 profit was re-

spent right there in *your* local community. Result? The multiplier effect turned that $20 profit into another $100 in local economic activity for your community. (Note that an additional 5X "multiplier" applied to a 20% profit margin creates an added "effect" roughly as great as the original $100 sale. In effect, by buying one microwave from mom and pop, we "magically" empowered our community to buy one more. By spending $100, we created a $20 profit which multiplied into $100 collective benefit.)

But when Walmart sends all profits back to the distant corporate headquarters, the $20 profit and the $100 "multiplied effect" that mom and pop used to generate simply disappears from the local community. Thus, even though each of us may save $15 by buying microwaves at Walmart, our community is being collectively impoverished by $100 in lost economic activity for every microwave sold. Result? No matter how much we seem to save individually, we are collectively impoverished by an even greater sum every time we buy from a *distant* corporation's local store.

Look at the various Black "ghettos" in Chicago, New York, etc. How many of the businesses and apartment buildings located in Black communities are owned by *local* Black residents? Not enough. As a result, locally generated profits are sucked out of the Black communities leaving little behind but poverty. Until *local* Blacks own *local* Black businesses and thereby keep *locally* created profits in *local* Black communities, those communities will continue to slide into poverty.

And Blacks shouldn't be conned into believing that a business owned by a "brother" who lives *outside* the community is preferable to a business owned by a Korean who lives *in* the Black community. The issue is not race, but *local ownership* and *local* distribution of *locally*-created profits.

Implication: We must learn to value whatever local business owners we still have. They're the "marrow" who produce the "blood" (profit) that nourishes our communities.

Global vampirism?

If there is a negative multiplier effect, then every foreign corporation is essentially in business to suck the life (profits) out of local communities and nations.

If characterizing corporations as economic vampires seems extreme, consider all of the third world nations where corporations have established themselves. Are those "corporatized" Third World nations growing richer or poorer? Ohh, they may point to some refineries and factories and other expensive symbols of progress, but what about the average native in those Third World nations? Will wealth (in the form of factories and refineries) that corporations bring into the third-world countries "trickle down" and thereby enrich the local poor? Probably not. True wealth is not a bunch of bricks stacked up into a building or a collection of pipes that constitutes a refinery. True wealth is *ownership*.

Without ownership, the locals will become collectively poorer as profits from their labor are sucked out of their nation. As their nation declines, it will become increasingly desperate to attract additional foreign corporations because they promise to "create jobs" – even if those jobs offer only subsistence-level wages. As more foreign corporations enter the nation, even more profits are lost, causing a deeper spiral of decline.

Eventually, these third-world nations sense the relationship between their poverty to the presence of foreign corporations. Revolutions follow to eject the foreigners and seize the foreign-owned land and factories.

Frankly, I don't blame the natives. Every person's perfect right to survive justifies excising by any means necessary any parasite that threatens that survival.

Unfortunately, most revolutions seek to "nationalize" the foreign corporate properties and thereby convey ownership (and profits) from the foreign corporate headquarters to the Third World nation's capitol. Admittedly, nationalization may be an improvement since the new government-owners won't be as distant as the former foreign corporate-owners.

Still, these revolutions typically miss the fundamental point: ideally, ownership, profits and prosperity are only available to those communities where *local* individuals *own* the "means of production" and thereby retain the "multiplied" benefit of the profits *they create*. Revolutions that replace distant corporate owners with distant government owners generally result in little change or benefit for local people (except at the capitol city).

It follows that a successful revolution (like the one our forefathers started in 1776) must enshrine the right of individual *private* property and the resultant local prosperity that flows from owning and keeping locally created profits.

Corporate colonization

Distant ownership (and claim to profits) of local communities is the dream of every king, tyrant, and greedy self-serving executive who've every walked the earth. In the past, claims to the

profits of distant communities were made through the Huns' plunder, Rome's empire, and the European colonies.

Today, corporations are simply the modern instruments for achieving "distant ownership of local property" (less charitably known as "looting"). As such, foreign corporations can be fairly described as modern instruments of colonization.

English colonies once existed worldwide to extract profits (wealth created by the "colonials") from foreign country and deposit those profits into the London coffers of the English monarchy. If the multiplier effect was operational in the 15th through 18th century economies, every ounce of gold extracted from the Thirteen Colonies (or colonies of Africa, Asia and South America) enriched the European monarchies (and their nations generally) by the economic equivalent of five to seven ounces of gold. Likewise, every ounce of gold profits removed from the various colonies impoverished its people by an economic equivalent of five to seven *lost* ounces of gold.

Just as our Thirteen Colonies were chartered by the King of England, modern corporations are chartered by current state and federal governments. Just as England chartered the Thirteen Colonies for the purpose of extracting unearned wealth (profits) to enrich King George, modern corporations are chartered by government for the primary purpose of extracting profits created by local "corporatized" communities and sending them to some distant corporation – who splits them (through corporate income taxes) with the government that granted its "charter" (license to steal).

For all practical purposes, when a rural Iowa community sells its farms to Archer-Daniel-Midland, it's been colonized. It's voluntarily agreed to surrender *ownership* of its productive resources (farms) and the attached profits (community life blood) to some foreign corporation.

Similarly, when the City of Dallas gives tax breaks to entice out-of-state corporations to build Walmarts in "Big D," Dallasites should become increasingly "colonized" and impoverished as they send more and more of the profits of their labor to distant corporations. Same thing when China allows Pepsi to build soft-drink plants in Peking – they're encouraging China's loss of profits and slide into deeper poverty.

Local ownership v. free trade

The multiplier effect suggests that the key to a rising standard of living for a man, a community or a nation is private, *local* ownership of the means of production. Foreign corporations should never be allowed into a community without placing such a high tax or tariff on their earnings that local profits can not be sucked out of the local community.

Local prosperity depends on local ownership of productive resources. Thus, to prosper, communities don't need programs to create *jobs*, they need programs to create *owners*.

Just as agriculture is being corporatized, colonized and impoverished, so are you and I. Distant ownership of local productive resources is the essence of the New World Order.

Conversely, the genius of the Constitution and foundation for America's earlier prosperity was the creation of a political system based on:

1) Decentralized government (where taxes tend to be collected, retained and spent *locally*); and

2) Private ownership of property for common people (which tends to assure that local profits will be spent *locally*).

In as sense, decentralized government and private property are two sides of the same coin. You can't have one without the other. Whether they knew it or not, by mandating both, the Founders created a society that functioned in accord with the "multiplier effect" and thereby made American prosperity not only possible but virtually inevitable.

Marx was (almost) right

Karl Marx understood the necessity for common people to "own the means of production," but I doubt that he understood the "multiplier effect". As a result, Marx missed the importance of *local* ownership.

The Communist revolution allowed the central government

in Moscow to own everything "in the name of the people" rather than the Czar (who owned everything in the name of some "divine right"). But the Communist revolution missed the fundamental point: the kind of owner is not as important as the owner's *location*. If the owners lives close by, he'll spend his profit close by, too, and the entire community will be enriched.

The importance of local ownership helps explain why all "centralized" governments tend to fail. By removing profits (in the form of taxes) from local communities and sending them to distant seats of government, communities become increasingly impoverished, resistant to authority and finally prone to revolution. *Local* government and *local* taxes serve the people best – not because they're more efficient, but because they keep locally-created profits and their positive "multiplied effects" close to home.

Conversely, national government and national taxes may be inevitably detrimental since they tend to impoverish most of the country to enrich a single, distant capitol. It follows that a United Nations world tax (which is being considered) and a single "international government" would be even more debilitating for the world's local communities. (Join the New World Order and go broke, hmm?)

It makes no difference whether the "owner" of our productive resources is a Czar, a dictatorship of the people or a multinational corporation. If the owner is not "local," the profits created by local enterprise will be drained from the local community to enrich the distant owner. Given the "invisible" multiplier effect, that loss guarantees a "mysterious" local slide into poverty.

Today, if we sell our resources (including our labor) to distant corporations, we inevitably impoverish our community and leave less to our children than we ourselves received. No nation can surrender its "inheritance" – *legal ownership* of land, labor and similar productive resources – and avoid poverty, violence and revolution.

Thus, for any community to prosper, it must maintain local ownership of land, factories, stores and associated means of economic production. The institution of local private property must be honored.

Free trade might not lead to freedom

There's historical evidence to support the importance of location relative to profit accumulation. America's rise from an 18th century agrarian society to the 20th century's dominant economic power was based largely on 19th century tariffs (taxes on foreign imports). It's common knowledge that high tariffs protected growing American industries from foreign competition. But when evaluated in light of the "multiplier effect," perhaps the reason the tariffs worked was not because they limited foreign competition, but because they effectively retained American profits within America rather than "exporting" those profits overseers as orders for foreign goods.

In today's era of NAFTA, WTO and international "Free Trade," tariffs are dismissed as archaic and detrimental. But there's recent evidence that tariffs protect and enrich modern economies. I.e., after the defeat and devastation of WWII, Japan built an extraordinary economy on high tariffs and import restrictions that retained Japanese profits within Japan. Japan's remarkable economic recovery is consistent with the hypothesis that high tariffs provide an important "multiplied effect" by keeping profits within the community or nation where they were created.

To illustrate, suppose Japan considered importing $100 billion in foreign goods. If they choose to allows the imports, their 5X "multiplied" *loss* of local profits might exceed $500 billion. That's a lot. On the other hand, if they choose to prohibit the $100 billion in imports, their 5X "multiplied" *gain* might be $500 billion in local economic activity. That's also a lot.

But note that the *difference* between the choice to allow or prohibit the $100 billion in imports is *$1 trillion*. I.e., if they allow the $100 billion in imports, they figuratively lose a "multiplied" $500 billion in local economic activity. If they prohibit the $100 billion in imports, they figuratively gain $500 billion in "multiplied" economic activity. The difference between a $500 billion loss and a $500 billion gain is $1 trillion. This is a surprisingly large "effect" since it stems from a seemingly unimportant decision to allow (or prohibit) a mere $100 billion in imports.

Obviously, this analysis is hypothetical and overly simplistic. Still, even if the magnitude of the numbers is wrong, you can see that the multiplier effect raises serious questions about the value of international "Free Trade". If the multiplier effect applies equally to gains and losses, exporting nations (as the U.S. was from 1941 into the 1960s) might enjoy an incredible "multiplied" economic growth and prosperity. Conversely, importing nations (as the U.S. is today) might suffer a similar "multiplied" decline.

Stock market

The multiplier effect might also explain why America's economy seems to soar despite

fundamental problems that most economists claim are certain to cause a collapse. We know that foreign investment in the U.S. stock market is high. This investment is driven by foreign fears that their own nations, governments, economies are unstable or collapsing. Although the actual dollar amount of foreign investments may be relatively small, how much would it be if the effect of that sum were "multiplied" five times? Thus, to an unexpected degree, "multiplied" foreign investments might help fuel the stock market's amazing rise.

If foreign investments are "multiplied," they are especially significant since some economists estimate *forty-five percen*t of all of private American's wealth is now tied up the stock market. So suppose overseas economies improve and the foreign money that was fearfully invested in the stock market begins to confidently return home. If so, for every billion dollars removed, the stock market might feel an "invisible" $5 billion loss. If the multiplier effect caused our stock market to soar, it can similarly cause it to crash.

A fine-tuned economy

If the same principle applies to taxation, even a small tax cut (or increase) might have an unexpected and "multiplied" effect on our economy. For example, could a 1% sales tax increase cause a 5% "multiplied effect" on you and your local economy? I think it could.

The multiplier effect may explain the remarkable economic boom that was triggered in the 1960s by John F. Kennedy's tax cut. Paradoxically, when JFK cut taxes, the economy grew so much that the government actually collected *more* tax revenue at a *reduced* tax rate than it would've collected at the higher tax rate. To this day, politicians seem almost embarrassed to discuss the surprising effect of JFK's tax cut. Instead, that effect is ignored as an inexplicable "aberration". But was it an aberration or profound evidence of the multiplier effect?

If the multiplier effect applies to taxes, it raises dark suspicions about why our current government – even while enjoying an alleged tax surplus – refuses to grant a substantial tax reduction for Americans. (Could it be that they don't want us to prosper?)

More importantly, if every seemingly insignificant tax increase or reduction had a "multiplied effect," it would be possible for government to openly manipulate and control the economy without the public ever catching on. For example, suppose Congress votes to raise our taxes just 2% – who really cares? Big deal, right? But suppose the public understood that every 2% tax increase would cause a multiplied 10% reduction in relevant economic activity?

Likewise, no one really cares if Alan Greenspan "fine tunes" the economy with a 0.25% adjustment of the Federal Reserve's interest rate. But what would the public say if it understood the multiplied effect of that interest hike was five time greater (1.25%)?

Thus, if the multiplier effect applies to taxes, government could openly control the entire economy (or specific industries) with seemingly tiny and inconsequential tax rate hikes or reductions. In a sense, we might already be living in Aldous Huxley's "Brave New World".

Philosophers stone(d) . . ?

All of the previous conjecture flows from the possibility that the multiplier effect (known to be "positive" relative to money *entering* a community) is also "negative" regarding money *removed* from a local economy.

Mathematically, it makes sense. If I take money from Cleveland and deposit it in Miami, the one city's loss must equal the other city's gain. If the multiplier effect magnifies Miami's gain, why wouldn't it also magnify Cleveland's loss?

These "multiplied effects" seem more like alchemy than economics. But – if real – they imply that the "science" of economics functions according to principles that are largely unknown and contrary to conventional wisdom.

Nah. It just can't be. No way.

And yet, Dallas fights Chicago to host the Fireman's Annual Convention . . . San Francisco fights New York for the next AMA convention . . . and staunchly religious folks in Utah bribe an Olympic committee to insure that Salt Lake City hosts the next Olympics. All of this takes place to exploit the "multiplier effect" on new money injected into local economies.

America's economic miracle was based on decentralized government, private property and high tariffs. JFK's tax cut seemed to have a "multiplied" effect. Japan's rise to economic superpower was built on high tariffs and retention of profits. Every one of these events is consistent with the multiplier effect.

There's no doubt that the multiplier effect is real relative to financial gains. Logically, it follows that it should be equally real relative to financial losses. If so, the implications are substantial.

Savings are the Root of all Evil?

by Alfred Adask

Admittedly, the whole idea of a "multiplier effect" (discussed in the previous article) sounds a little nuts. If it weren't for the fact that cities recognize the multiplier effect and therefore compete with each other for tourist dollars, I'd dismiss the whole concept as silly.

However, since economists seem to agree that the multiplier effect is real, I am curious to discover why it works. As usual, I have only a hunch to follow, but it's an interesting hunch.

I suspect that the "multiplier effect" is an indirect recognition that profits (newly *created* wealth) are several times more valuable to a community than mere "existing" wealth. In other words, $1 in profits may be worth $5 to $7 in savings or investments.

How is that possible that $1 could be equal to $5 or $7? Mathematically, it makes no sense. One equals one, but one can't ever equal five, right?

Not necessarily.

I suspect the difference between *newly created* money (profits) and "existing" (saved) money is not in the money itself, but in the economic behavior of "creators" as opposed to "savers". The multiplier effect is based on the difference between how the two "kinds" of money are used.

In other words, $1 in profits might generate as much economic activity as $5 in savings because profits are *spent differently* than earnings, wages and savings.

For centuries, people's survival has always been tentative. The threat of robbery, government confiscation and famine frightened most people into secretly hoarding every dime they could find. Thus, most "existing" money (gold, silver coins etc.) was not spent but fearfully saved and even hidden against the inevitable rainy day. Those who could not create more money (profits) would feel especially insecure and be doubly inclined to secrete their money in the ground, their mattresses, or the King's treasury.

If this "existing" wealth was saved, hoarded and hidden, it couldn't serve society as a *medium of exchange*. Once the gold was saved out of circulation, it could not stimulate further economic activity and the *creation* of even more wealth (profits).

If the multiplier effect was operational, every gold coin squirreled away in a mattress or monarch's treasury had to impoverish the local community by the equivalent loss of five to seven coins in *economic activity*. Money "lost" to society through individual savings contributed to deflation, economic depression and may have even helped spawn the Dark Ages.

However, people with profits are, by definition, people who have *created* wealth and therefore have *more* money today than they had yesterday, and *more* than they formerly needed to survive. These are the "nouveau riche" – folks who have more money than they need or know how to handle. And so, unlike "old money" (which is hoarded and deflationary) the "creators" spend "new money" freely.

The "nouveau riche" spend like sailors in a foreign port. They buy gifts, fast cars, faster women and booze. They buy all these unnecessary commodities to show off and gratify their egos. They also spend because they're filled with pride and joy over their act of creating profits. And they spend because they are incurably optimistic since they believe that having created profits once, they can create profits again and again – and their future is therefore unthreatened

and secure. They express the highest form of "consumer confidence" (creator confidence).

When a man creates his first $100,000 in profits, he has more money than he has previously needed to survive. Rather than save all of his newly created wealth, he almost always spends a substantial portion.

If he buys a house, the real estate agent, unexpectedly enriched by the influx of profits into the community, also feel suddenly wealthy and goes out to buy a new car. The automobile dealer, selling more cars than usual, may spend his newfound profits on a 24" TV. The TV dealer, unexpectedly enriched with a an extra $200 in profits will impress his girl friend with an expensive dinner in the local restaurant. And the waiter, enriched by the unexpected $20 tip, will go buy that CD he's been wanting for the last month.

And so it goes – until the money reaches someone fearful, someone pessimistic who prefers to save rather than spend. Then, when the money is pulled out of circulation, no further economic activity or profits are possible, and the spending cycle ends.

If this cycle is real, a community's standard of living is less a function of total physical monetary wealth than the rate of *economic activity*. For example, the standard of living in a community that has a total of $1 million in cash, zipping from hand to hand, making more profits – is far greater than the standard of living in another community that's otherwise identical except that the $1 million is hoarded in a strongbox buried in a dungeon by a single rich man. The first community could be comparatively prosperous; the second (including the rich man) would be economically depressed and almost lifeless.

The root of all evil?

Even the Bible hints at the adverse effect of savings. Remember the "parable of the talents"? The master gives five talents to one servant, two to another and one to a third. The servant given five used the money to earn five more; the servant given two earned two more; the servant given one buried it in the ground lest it be lost.

Guess who was punished? The servant who buried (saved) his single talent in the ground. The master took his single talent and gave it to the servant who already had ten talents. And then (according to *Matthew* 25:30) they threw "that worthless servant outside, into the darkness, where there will be weeping and gnashing of teeth."

Taken literally, that seems like a pretty stiff penalty for simply saving a little money. After all, that lowly servant didn't steal the master's money, he merely tried to protect it. Is the master that greedy for gain? Does he love money that much? If so, what would happen if one or more of the servants invested the master's money unwisely and accidentally lost the money? Torture? Death? And more, if that master is so greedy, why is his unpleasant example being presented in the Bible (even as a parable) as something positive?

However, if the multiplier effect were operational in Biblical times, stiff penalties for servants who simply save the master's money is not so unreasonable. After all, the servant who took five talents and made five more for the master might have unwittingly generated an additional multiplied benefit of twenty-five talents in economic activity *for his community*. The servant given two talents who earned two more for his master might've also generated a "multiplied"

benefit of ten talents *for his community*. However, the servant who extracted his single talent from the local economy and buried it in the ground, might've caused no loss to his master, but would've still caused a multiplied five talent *loss* to his *community*. The community was impoverished by five times as much money as was "saved". That's bad for everyone – even the master.

This is an interesting interpretation since it suggests the master's real motive was not merely to enrich himself, but rather to enrich his community. If so, such masters are not obsessed by the "love of money" and the parable makes a lot of sense.

Of course, I don't seriously believe that savings can be interpreted as the "root of all evil". Still, when savings are motivated by the love of money, they are arguably an expression of that damnable affection.

Banker benefactors?

In any case, when savings are removed from an economy, the multiplier effect implies that there may also be a "multiplied" loss in economic activity (true wealth). Even if savings are deposited in a bank and simply invested, the net effect may still be adverse since the investments tend to be conservative and slowly "appreciate" (like government bonds or real estate developments), rather than accelerate the economy like fast-moving profits.

However, the adverse effects of savings could be neutralized in a banking system that allowed fractional reserve banking. Under fractional reserve banking, if I deposit $100 in the bank, the bank can use my $100 as collateral to loan out an additional $800 that the bank "created out of thin air". Thus, a bank's ability to loan "multiples" of whatever dollars are deposited could compensate for the adverse "multiplied effect" of savings removed from the economy.

It's at least an interesting coincidence that the fractional reserve banking rate (eight or nine dollars loaned for every dollar deposited) is roughly equivalent to the "multiplier effect" rate of five to seven. I.e., if $100 in profits is saved in a mason jar buried in the back yard and removed from the economy, the economy might be slowed by the "multiplied" loss of $500 to $700 in economic activity. But if that same $100 is deposited in a bank and used to justify loaning another $900 into the local economy, there might be no net adverse effect on the community.

I hate to say it, but the "multiplier effect" seems to justify fractional reserve banking as something beneficial – even necessary – rather than a sinister plot to enrich bankers and dominate the world. Without fractional reserve banking, our civilization might perish from our own economic prudence (savings).

There is anecdotal evidence that fractional reserve banking might be beneficial. Look at India, an alleged "gold sink" where common people hoard masses of gold to be buried in their back yards or worn by their wives as jewelry. Compare the standard of living where gold is hoarded in India to that of the USA where our savings rate is, by some measures, *negative*. Although India's hoarding may seem wiser than our reliance on credit (fractional reserve banking and fictitious money), who would trade America's current standard of living (rate of economic activity) for India's?

Paper money

For fractional reserve banking to compensate for the adverse "multiplied effect" of savings, it would be necessary to remove substantive money (gold and silver coin) from the economy. After all, a fractional reserve bank can't very well loan out nine *physical* silver dollars for every *real* (physical) silver dollar deposited since there's no way for the bank to "create" nine more *real* silver dollars.

Fractional reserve banking could only work in an economy that relied on non-tangible currency (like paper money or electronic "1's" and "0's" in a computer memory) which – unlike gold or silver coin – could be inexpensively reproduced and loaned into circulation.

And what do we have? A society based on an imaginary money that can be replicated by simply pushing a couple computer keys. Our gold money is gone, our silver money is gone, and our economy (despite all contrary indications) seems to soar. This doesn't prove anything, but it's at least interesting that our intangible money system seems consistent with the "multiplier effect".

I hate to say it, but the multiplier effect suggests that Franklin D. Roosevelt's "New Deal" (especially the removal of gold from the economy) actually made some sense. (Good lord, where will all this conjecture end? Voting Democratic?!)

A cross of gold?

Although an "additive" money system like gold or silver coin is a fine medium of exchange, it is singularly unfit to deal with those who "love money" so much they hoard it or even save it in a bank. Once a gold coin is removed from circulation by hoarding, saving, wear or loss, the entire economy may be impoverished by the even greater "multiplied loss" equivalent to *five* gold coins. In other words,

gold is great, so long as it keeps changing hands. However, when people save gold coins, gold becomes a drag on the economy.

However, a "multipliable" money system – like paper or digital cash – could potentially give us the best of both worlds. If you want to spend your money and keep the economy humming, Great. On the other hand, if you'd rather save your money, that's OK, too – so long as you save it in a bank.

Of course, if you hoard your paper money in your mattress, that's an antisocial drag on the economy since the money is removed from the economy causing a 5X multiplied decline. However, so long as your savings are kept in a bank that's empowered to engage in fractional reserve banking, the negative effect of your savings can be offset by loaning a "multiplied sum" of money back into the community.

For example, if you deposit $1,000, you should cause a multiplied" $5,000 loss in economic activity. However, if the bank uses your $1,000 deposit to loan out $9,000, the economy is not only protected from the adverse consequences of your savings, it's *enriched*. Voila! Thanks to fractional reserve banking savings is no longer a drag on the economy, no longer an expression of pessimism sure to precipitate a depression.

Don't save no wooden nickels

I'm not about to recommend that everyone give up on gold and silver coins. I still believe there's an ancient wisdom in owning (and saving) that form of money.

Nevertheless, I've got to admit that if the multiplier effect is real, the current money system and economic reality seems to make a lot of sense. And you can see seductive evidence of that apparent "sense" all around you.

Who prospers in this world? The people who diligently save their money in bank accounts and never borrow? Or the folks who are so deep into the bank's pockets the system can't afford to let them go broke?

I know this credit-debt-based system of fictional money shouldn't last. I know it even seems ungodly, sinister and unjust.

But I have to admit that those people who accept this system, live their lives according to its principles and borrow more money than they can hope to repay, seem to have newer cars, homes and spouses than the folks who play by the "conservative" rules of economics.

The average American who hoards gold coins lives in modest or even humble circumstances. Does he take vacations to Hawaii or Paris? Probably not. Those little treats seem primarily reserved for folks with several credit cards and enough debt to make 'em dependent on blood pressure medication.

If the multiplier effect is valid, the people who "conservatively" save their money and remove it from circulation are more like the servant who buried his one talent rather than risk using it to make more money.

On the other hand, the folks who are knee-deep in debt seem to be somehow fueling our "impossible" economy and in an irrational sense, thereby serving the community. But if the multiplier effect is operative, it's not irrational. Instead, debt makes sense!

Of course, these anecdotes are unpersuasive. But there's even some serious evidence to support the possibility that the debt-based monetary system may be benign.

India hoards so much gold that it's described as a "gold sink". Gold simply flows into India but never seems to flow out. Those poor Indians will buy every gram of gold they can find, convert it into jewelry for their wives or bury it in the back yard. Yet, despite all that saved wealth, India lives in abject poverty.

Our federal government, on the other hand, has recently revised the formula used to calculate the average American's savings rate. Reason? The old formula indicates we now have a *negative* rate of savings. In other words, the average American's debt is greater than his assets. We're all in the red. That evidence is not politically correct, so our government has thoughtfully revised the calculation formula and thereby "cooked the books" to indicate we now have a 1% positive average savings rate. (Thank God for government, hmm? I was alarmed when I heard our savings rate was negative, but now that the calculation formula has been "adjusted," I feel so much more secure.)

In any case, my point is this: It is quite possible that the poor, impoverished people of India actually have a higher savings rate and, on average, more personal assets (gold buried in the back yard) than the average debt-ridden American. But which society is plagued by poverty and which is blessed with (apparent) prosperity?

How can we explain this apparent contradiction? Are Americans simply living in a bubble economy that's just about ready to burst and send us back to the common sense exemplified by the simple Indians? Or could it be that the Indian economy does not accommodate the multiplier effect and is thus "self-depressing"? The more they save, the less they have?

Conversely, could it be that

the American economy does accommodate the multiplier effect and thus prospers despite its considerable (almost unbearable) debt?

Givin' th' devil his due

Yes, yes, I understand that our debt-based monetary system may soon crash and we'll experience massive social dislocation, a depression, political revolution and New World Order fascism.

I don't like the conclusions I'm reaching in this article. But the truth is this: Despite decades of operating this country's financial system contrary to all historically established economic principles, we have managed to sustain an enviable level of prosperity. Yes, the standard of living for common people is declining. Yes, the gap between rich and poor is growing. Yes, the middle-class is disappearing. And there are a host of other economic problems that are individually scary and collectively terrifying.

But how has this economy not only survived but prospered with virtually no lawful money (gold and silver coins) since 1933? More, how have we come to be the world's only "superpower"? We are either extraordinarily lucky, or there are principles at work which we don't understand and power has been so consolidated that a handful of individuals can apply those principles to run this economy (world?) without our even knowing.

In my gut, I believe our monetary system is wrong. But in my mind, I have to admit it's working. Moreover, it seems to be doing the impossible.

If the multiplier effect is valid, it may explain this mystery.

Of course, if the multiplier effect were real, why has government operated according to that principle but kept that secret from us and paid lip-service to the contrary "virtues" of savings? Why? Because if the public actually understood the system (that debt is more valuable than money), the economy might collapse.

After all, extended to its extreme, the multiplier effect implies that we need not work, only borrow and spend. And if the great unwashed understood that this country couldn't survive without debt, every lazy so-and-so would demand a "platinum card" so they could go buy a new 24" TV. Why work, if the key to our prosperity is credit? Nope. The public is not ready for that news. This debt-based system of fictional money ultimately depends on a colossal lie and seamless deception to survive. And that dependence on deception must be the system's Achilles' Heel.

Credit-masters of the universe?

While I might be scared of a "random" economic depression triggered by too much debt – at least that kind of "conventional" collapse can be comprehended. I could study economics and find real confidence in my understanding of all those graphs and my ability to accurately predict how the economy is going to act in the near future.

But if the multiplier effect is real, it implies that there won't be a depression until "they" (those who control the credit spigot) decide to have one. The multiplier effect implies that the entire economy may be so effectively managed and controlled that study of conventional economics is virtually meaningless. It doesn't matter what the savings or employment rates are. There won't be a depression until "they" (whoever really understands and controls the system) decides to have one.

And until we understand who "they" are, we certainly can't understand their motives, and thus can't predict a damn thing about our own economic futures. All we can do is "go along" and hope that we're not being raised like so many domestic cows to be milked and later butchered whenever the farmer-banker wants.

Frankly, I'm more concerned by the prospect of a world managed by unknown people working for unknown reasons to achieve unknown goals than I am by a world where random, but understood principles known to all can make the economy rise of fall.

Unknown people with unknown motives *might* be working for our collective (but deceived) benefit. But (depending on their motives and whatever god – if any – they served), they could just as easily be setting us up for a fall of Biblical proportions.

Perhaps I'm just naturally pessimistic or cynical, but I don't trust other people – especially people I don't even know – to manage my life. That's probably the essence of my complaint with government in general.

But to have unknown people managing my life according to *unknown principles* (like the multiplier effect) – that scares me because now I am living under a set of rules and rulers that I neither know or nor understand. If that condition is not sufficient to spawn either paranoia – or a return to powerful belief and faith in God – I don't know what is.

Is the multiplier effect real? Economists say Yes. Does it have a negative effect as well as a positive effect? Logic says Yes.

If so, your world and your secular future may be operating according to principles virtually no one understands or even imagines.

Y2K Dominoes or Delusions?

by Alfred Adask

With the Dow Jones Average flying past 10,000 and floating near 11,000, it seems undeniable that Bill Clinton and Alan Greenspan have engineered an economic miracle wherein everyone (except those too dumb to buy stocks) will get rich. Judging by mainstream media reports, the first half of 1999 was a Jubilee for most Americans – no significant unemployment, no inflation, no credible threats on the horizon and a perpetual money tree called Wall Street. And if 1999 was good, 2000 should be *fan-tas-tic!*

Of course, there is some unpleasant speculation that the Y2K computer problem may burst everyone's bubble, but Wall Street, Washington and mainstream media seem convinced that if we just keep whistling in the dark and don't ever lose confidence in the"system," we'll not only do fine, we'll get rich.

Government spokesmen and elected officials tell the public not to worry about Y2K. The computer repairs are "on track". Don't worry, be happy. All is well.

I hope they're right.

Still, there's much disagreement on the reality and magnitude of the Y2K threat.

Opinion v. evidence

According to Mr. Michael Land of Y2K Readiness Expos, Y2K awareness grew dramatically in 1998. However, in March and April of 1999, Y2K interest (as demonstrated by Y2K-related sales and website "hits") fell by 60%. Mr. Land says American optimism was further demonstrated when a recent Denver exposition on toy trains attracted four or five times as much attendance as an adjacent Y2K "expo".

Nevertheless, Mr. Land believes the Y2K problem is not being solved. He cites the Social Security Administration which spent eight years removing Y2K "bugs" from 30 million lines of computer code and compares that apparent success to other businesses which started searching for Y2K bugs two years ago in 100 million lines of code. He concludes that it's technically impossible for all businesses to eliminate their Y2K bugs before December 31 and serious problems are inevitable.

I'm inclined to agree with Mr. Land.

But on the other hand, nearly twenty states hit their fiscal year 2000 in July, 1999 – without significant computer-related disruptions. The Global Positioning Satellites also hit their fiscal year 2000 in August without frying the satellites' circuits. And on October 1st, 1999, the federal government encountered fiscal Y2K with only a handful of brief computer crashes.

Thus, there's hard *evidence* that computer programs may be more resilient than we'd thought and our Y2K fears may be exaggerated. If a slew of states, the federal government and the GPS system can skate past Y2K without noticeable harm, why not the rest of our computer-driven society?

Consumer confidence v. technological facts

The current "economic miracle" wrought by Clinton and Greenspan has rendered the public too cheery to view Y2K as a significant threat. The tide of economic success exemplified by Wall Street is running so fast and apparently steady that only a fool wouldn't wonder if the optimists are right.

On the other hand, only fools believe that every laughing drunk is a happy person. And even if he's happily intoxicated now, he's still headed for a hangover to make him wonder whether sobriety or suicide is preferable. Despite public merriment, Y2K is a technical problem with a tangible reality that's indifferent to public opinion. Optimism, pessimism and the Dow Jones average are equally irrelevant in determining whether our computers will function or crash after January 1, 2000. Although some states and the GPS system skated past fiscal Y2K,

the threat remains – at least as a possibility.

So . . . is Y2K just an overhyped delusion designed to sell newspapers and dehydrated food – or a real threat to western civilization?

Coast Guard Recommendations

On January 15, 1999, the Ninth District Coast Guard Commander issued document - Ninth District Instruction 3010.X (D9INST 3010.6), Subject: Year 2000 (Y2K) Business Continuity Contingency Plan (BCCP).

On page 32 - Annex A - Personal Preparation for Y2K, coast guardsman and woman received advice differing from that given the general public:

"Personal impacts may very well include: loss of utilities such as power, heat, water, or sewage; loss of communications; loss of transportation; shortages of food and basic supplies; erroneous financial transactions and inability to access personal funds from financial institutions; temporary loss of employment – and other significant disruptions.

"Current predictions indicate that we will lose electric power for at least a day, and possibly for more than a week. Electric power plants in the United States are highly computerized and the Year 2000 problem is widespread in this industry. Experiments by some electric companies to test their Year 2000 repairs have indicated worse problems and longer outages than originally envisioned. . . . You are recommended to prepare for a total loss of electricity in early January 2000."

Point: While Washington pumped "all is well" rhetoric to the public, it was been privately alerting its own personnel that the Y2K threat is legitimate.

Would a lawyer lie?

In February, 1999 Houston attorney Howard L. Nations testified before the U.S. Senate Commerce Committee on a bill to restrict corporate liability in Y2K lawsuits. According to Nations, "responsible corporations have spent over $225 billion dollars to prepare for Y2K, but other corporations are still unprepared and are therefore lobbying Congress and state legislatures for laws to eliminate their corporate liabilities for Y2K-related problems like breach of contract. . . . If you understand the technology, you understand there is no silver bullet. *Bad things are going to occur* . . . . including, personal injury and wrongful *death* lawsuits."

Attorney Nations doesn't believe Y2K will end the world (or at least not the judicial system). Still, his testimony concerning "personal injury and wrongful death lawsuits" underscored Y2K's lethal potential.

Oh-oh, dom-i-no!

A friend emailed a 12-page report entitled "A Circle of Dominoes" first published at www.y2knewswire.com. The report uses a statistical analysis to estimate the probability that Y2K might cause the complete collapse of civilization.

This "Domino" study explores the vulnerability of any highly-specialized and highly integrated civilization. One weak link can disconnect other sectors from critical resources, cause a cascading disruption in services that takes out subsequent sectors, one by one, resulting in complete social collapse.

That's particularly scary since a collapsed society is not easily repaired. You don't rebuild a collapsed house of cards by replacing one card; you have to start from the beginning – perhaps as far back as 1900.

Three core sectors of our civilization's infrastructure must operate properly for the rest of society to function: power, telecommunications and banking. The failure of any one of these core sectors will cause the failure of the other two within a matter of days or (at most) weeks, which will precipitate our civilization's collapse.

For example, the loss of power would render banks and phone companies useless. The loss of telecommunications would render power companies and banks useless. And the loss of banking would eventually render power companies and telecomm companies useless. If banking, power, and telecommunications all fail, the affected nation (or planet) will suffer famine, unprecedented internal turmoil, and eventually collapse.

The fact that each of society's core sectors (power, banking and telecommunications) is threatened by the Y2K computer problem is well established. What has not been thoroughly publicized, however, is the effect of the interdependencies of these infrastructure sectors and the overall probabilities of "the web of society" staying up if any one of the core sectors fail.

The "Dominoes" author guesstimates the probability for a power grid failure is 25%, banking failure 10%, and telecommunications failure 20%. After some complex calculations and explanations about the interdependencies of several "sub-sectors" like the coal industry, railroads and the Nuclear Regulatory Commission, the "Dominoes" analysis concludes that the overall chance for Y2K to collapse civilization is about 86% (nine out of ten).

The "Dominoes" analysis even recalculated its "interdependent" string of technological dominoes by reducing the probabilities of each core sector failure from 10%,

20% and 25% to just 1%. In other words, instead of assuming a 25% probability that the power grid might fail, they merely assign a 1% chance of failure to power. Ditto banking and telecommunications. They also reduced the probability estimate for failure of each underlying sub-sectors to just 1%.

Nevertheless, because of the vast interdependence between the three core sectors and their underlying sub-sectors, the Dominoes analysis calculates that even a 1% chance of failure in each sector and subsector would result in a 15.7% chance (almost one chance in six) of a complete collapse of modern civilization.

It's arguable that even a 1% estimate of sector failure is too high. But if there's not at least a 1% failure possibility, what's all the fuss been about for the last two years? It seems unlikely American corporations and government spent over $225 billion to fix problems that have less than 1% probability of occurring.

So, unless the Dominoes analysis overlooked or misapplied fundamental information, the one-in-six chance of a total social collapse may represent a "best case scenario". Real collapse probabilities could be higher.

Secret Government Study

Military bases in the USA don't usually supply their own energy, water or sewer utilities but are instead dependent on local civilian utilities. Therefore, the U.S. Navy conducted a worldwide assessment of cities providing utility services to Navy bases to determine the bases' risk of water, gas, sewer, and electrical utility failures caused by Y2K.

The June, 1999 Navy report also assessed 125 American cities and divided them into three categories where: 1) partial utility failure is probable; 2) partial utility failure is likely; and 3) total utility failure is likely.

The Navy reported that partial utility failure is probable in 43 American cities, including: Charlotte, North Carolina; Columbus, Ohio; Dallas and Houston, Texas; Knoxville, Tennessee; Mobile, Alabama; Norfolk, Virginia; Philadelphia, Pennsylvania; Tulsa, Oklahoma; and Washington, DC.

Partial utility failure is likely in 28 American cities, including: Atlanta, Georgia; Charleston and Columbia, South Carolina; Chattanooga and Nashville, Tennessee; Ft. Lauderdale, Jacksonville, Miami and Orlando, Florida; Fort Worth, Texas ; and New Orleans, Louisiana.

Total utility failure is likely in 44 cities, including: Baltimore, Maryland; Buffalo and New York, New York; Erie, Pennsylvania; Hartford, Connecticut; San Jose, California; Seattle, Washington; and Trenton, New Jersey.

No secrets in the Internet world

Although the Navy briefly published its report on its publicly-accessible web site, it was quickly removed. Jim Lord (a recognized Y2K expert) later received a copy of the then-secret Navy report and published his analysis of the report on the internet at *http://www.jimlord.to*. If the Navy report hadn't been leaked to Mr. Lord, the public would never have seen it.

Mr. Lord's analysis was greeted with great scepticism. However, John Koskinen (President Clinton's "Y2K Czar") soon admitted the report's authenticity. Then the mainstream media picked up Mr. Lord's report and for about 48 hours a national furor erupted. A report in WorldNetDaily.com by David Franke ("Y2K Bombshell Hits Internet") was typical:

"The Navy report's results are horrifying. They expect more than 26 million Americans in 125 cities to be without either electricity, water, gas or sewer services next January. . . . Total failure is likely in New York City, with a loss of water, gas, and sewage services. New York is the nation's financial nerve center, where hundreds of billions of dollars have been spent making the financial infrastructure 'Y2K-ready.' But who will protect, operate, and maintain all that financial infrastructure if there's widespread utility failure? Most people will be busy protecting themselves or trying to flee."

Y2Knewswire.com complained that Y2K Czar John Koskinen (and others in Washington), "never bothered to tell the public about the Navy report. . . . As a result, the American people have been denied access to potentially-critical information while the time remaining for preparedness continues to slip by."

Plausible deniability

On August 20, 1999, the Navy "denied reports it expects widespread failures in power, water and other utility services in the United States" caused by Y2K. According to Rear Admiral Louis M. Smith, "Although the Navy has not verified that all cities and communities near its installations are fully prepared for the Y2K problem, its survey of local utilities is showing a steady improvement." Further, the Navy report only reflects a "worst-case scenario" in which utilities whose Y2K preparedness was unknown to the Navy were merely assumed to be likely problems.

Uh-huh . . . .

Are we to believe that, faced with the potential collapse of civilization, the Navy officer charged with studying Y2K readiness for Navy bases around the world, merely "assumed" there might be

some problems?

It seems more likely that, right or wrong, the Navy report truly concluded that 26 million Americans and 125 American cities were in danger of losing some of their utilities? Isn't it more likely that the report was disavowed when it threatened to cause public panic?

In its own assessment of Y2K readiness, the White House also concluded that national electrical failures are "highly unlikely" and disruptions in water service "increasingly unlikely." Rear Admiral Smith said the Navy's assessment is "right in sync" with the White House's.

(Yeah, the Navy *better* be "in sync" . . . if they know what's good for 'em.)

But the federal government also released another report on September 14, 1999 warning that many foreign nations may be badly destabilized by Y2K computer problems. Although foreign problems won't directly impact America, our "global economy" is so interdependent that widespread foreign disruptions can indirectly precipitate an American recession.

Continued uncertainty

While government minimizes the Y2K threat in statements intended for public consumption, it continues to fortify itself against Y2K problems. This "do as I say, not as I do" attitude may be usual in a government where the right hand doesn't know what the left is up to. Still, the contradictions are troubling.

Tangible evidence and official opinions are mixed and contradictory. Worst case scenarios are possible but increasingly unlikely. Civilization seems certain to survive Y2K, but at least some Americans also seem likely to lose one or more basic services (electricity, gas, water, or food) for several days or weeks. And even small problems in our interdependent society can potentially cascade into major failures.

So, with just two months before the Y2K bells toll, what do we know?

First, Y2K is not a patriot joke or hyped-up conspiracy theory. American government and business have spent $225 billion preparing for Y2K. Virtually everyone (including government) who's studied Y2K agrees that the threat – though uncertain – is potentially lethal. Thus, the Y2K threat must be taken seriously.

On the other hand, approximately twenty state governments, the Global Positioning Satellite system, and the federal government have survived their "fiscal year 2000" without significant problem. Fears (some would say "hopes") that "fiscal" Y2K would crash these government computers have proved unfounded.

Each of these events offers tangible evidence that despite Y2K's unnerving potential, its real effects on January 1, 2000, may be minor or virtually non-existent – at least in the USA.

What to do, what to do?

No one knows.

The tangible evidence can't be denied. The successful encounters with fiscal Y2K imply that the January 1st Y2K will be a relatively minor event. Worst-case scenarios seem increasingly unlikely. Starving hoards won't fill our streets. Western civilization won't collapse.

Nevertheless, that recent Navy report estimated 26 million Americans and 125 cities may lose one of more basic utilities next January. The federal government warns of significant overseas computer failures which may indirectly impact the USA.

Facing these contradictions, prudent people should have at least one week's supply of water (one gallon per day per person) on hand and a month's supply of non-perishable food on hand.

As for space heaters, generators, solar panels, etc. – use your own judgment. If you're living up North where winter can kill, it's sensible to provide for your warmth. If you run out of natural gas or electricity in Minnesota, you could freeze to death. On the other hand, if you live in Texas – even though freezing weather is possible – you're unlikely to even suffer frostbite if you have shelter and plenty of clothes or blankets. For those who live north of Texas and south of Minnesota, assess your personal situation and prepare accordingly.

As I've written before, Y2K is like Russian Roulette. There may be only one bullet in the cylinder, so the odds are in our favor. We can probably play this game and not get hurt.

On the other hand, the gun *is* pointed at our *heads*. No matter how improbable, if Y2K "hits," some of us will suffer hardship. A few may even die. And bear in mind that the game of "Y2K Roulette" is not optional. All of us are going to play – not just the drunks, rowdies and macho's. On January 1st, 2000, young, old, rich, poor, brave, timid, men and women will all be straining their ears to hear whether the Y2K gun pointed at their heads goes "click" . . . or "BANG!"

Probability increasingly favors the harmless "click". Possibility continues to include the potentially lethal "BANG!" So, you might want to consider wearing a "bullet-proof helmet" for New Years Eve. Yes, you might look silly "dressed up" with gallons of water and dehydrated foods stored in your garage . . . but you might also look brilliant if the Y2K gun goes off and you're of the few still standing.

Prudent people should prepare.

The Amoral Majority

by Alfred Adask

In nine years of publishing, I haven't finished a single issue of the *AntiShyster* that didn't contain an article, a paragraph, or on one occasion, a mere footnote that I "felt" the good Lord wanted in this magazine. I've often waited (even agonized) for weeks until I "discovered" whatever comment He wanted published. That's part of the reason virtually every issue has been delayed.

I know. It sounds nuts . . . even to me. Maybe I'm just delusional. But if so, that delusion's persisted for nine years and, God knows, I believe it's true.

This article on morality is the one that slowed publication of this issue. Most of this article banged around in my brain for at least two months. I've known from the beginning that this was the "one" He wants in this issue. I've written over twenty pages exploring morality but I just couldn't put it together – until about 4 A.M. last Thursday when the last "necessary" insight flashed through my mind.

That insight was an antidote for writer's block and provided the psychological "green light" I needed to write the article. It doesn't mean that I'll do a good job writing this article, it merely means that (finally) I can try.

In fact, there's so much to write about morality that this article is hugely incomplete. Nevertheless, this article is the real purpose for this issue of the *AntiShyster.* All the other articles are just "packaging". This is the one that contains the information (or at least seeds of that information) I felt compelled to convey. So even if I do a poor job of writing this article, read it closely. I'm convinced that morality is our legal system's foundation.

Whenever we fall into a conversation about "morality," most of us flash to affable Jerry Falwell and his "moral majority". Nice folks, but a little stuffy. They probably make good neighbors, but you wouldn't want to party with them.

I mean *morality*? In the "roaring nineties" when "greed is good" and Bill Clinton enjoys widespread public approval? Who cares about concepts as quaint and politically incorrect as "morality"?

Besides, while the word "morality" is routinely bandied about by politicians, what does it really mean?

We don't talk about morality because we don't understand the basic terms ("moral," "immoral" and "amoral"). Result? Whenever some pompous ass talks about morality, dialogues quickly degenerate into monologues. The audience listens respectfully, nods their heads wisely but don't say much because – other than knowing morality is "important" (at least for other people) – we don't have a clue.

Choice

The subject of morality is confusing because its basic terms ("moral," "immoral" and "amoral") convey fuzzy and seemingly contradictory meanings. For example, we habitually think of "moral" persons as those who do good deeds. I.e., they don't lie, cheat, steal and commit adultery. Conversely, we view "immoral" individuals as those who habitually commit "immoral" acts (they *do* lie, cheat, steal, and commit adultery).

And "amoral"? Well, that means . . . uh . . . that means, umm . . . well, that's not too good either . . . right?

Further, our common understanding of morality is flawed because we don't understand that only "moral" people can commit "immoral" acts. Sounds nuts, doesn't it? Well, it's not. The term "immoral" is not the *opposite* of "moral," it merely signifies a "kind" of moral act.

According to Noah Webster's 1828 *American Dictionary of the English Language*, the adjective

"immoral" means (in part):

"... wicked; unjust; dishonest; vicious. Every action is immoral which contravenes any divine precept, or which is contrary to the duties which men owe each other."

The language is a little archaic, but the meaning is still fairly clear. "Immoral" essentially signifies "negative" acts of wickedness, injustice, dishonesty and vice.

However, the same dictionary defines "moral" to mean:

"1. Relating to the practice, manners of conduct of men as social beings in relation to each other and with reference to right *and* wrong. The word moral is applicable to actions that are good *or* evil, virtuous *or* vicious, ..." [Emph. add.]

The term "moral" includes *both* "right and wrong," "good *or* evil," virtue *and* vice. Thus, "moral" includes the negative acts previously defined as "immoral". This apparent contradiction (that "moral" is not opposite from, but includes, "immoral") lies at the heart of our fuzzy understanding of morality.

Contrary to common usage, the term "moral" does not signify a "good" act (like being honest, just or virtuous). Instead, moral signifies the personal *capacity* to choose between committing a "good" or "bad" act. "Moral" does not describe a kind of act, it describes a kind of *choice*.

Webster's 1828 continues:

"Morality, n. ... the act must be performed as a *free* agent, and from motive or obedience to the divine will. This is the strict theological scriptural sense of morality. ... [Emph. add.]

Note that a moral act must be performed as a "free agent". This freedom implies the element of choice. I can't truly choose or refuse to do anything unless I am first free to make that choice.

Note also the repeated use of the term "divine" and the phrase "strict theological scriptural sense of morality". As you'll read, morality is inseparable from God (which undoubtedly explains why schools no longer teach the subject).

In fact, according to Webster's 1828:

"Moral law, the *law of God* which prescribes the moral or social duties, and prohibits the transgression of them." [Emph. add.]

"Morally, adv. ... An action is not in strictness morally good, which does not proceed from good motives, or a principle of love and obedience to the divine law and to the lawgiver. Charity bestowed to gratify pride, or justice done by compulsion, cannot be morally good in the sight of God."

Thus, a seemingly moral act is not necessarily "good" (even if that act superficially conforms to our ideas of good) unless the motivation for choosing to do that act was good. If you give to the church, your donation may be applauded as a "morally good". But if the real reason you gave was to get an income tax deduction, that applause is misguided. Thus, the essence of morality is not the act, but the mindset and *motivation* underlying the choice that caused the act.

Knowledge

Here's a more current definition from *Black's Law Dictionary* (4th Rev'd):

"Moral Actions. Those *only* in which men have *knowledge* to guide them, and a will to *choose* for themselves." [Emph. add.]

What was true for Noah Webster in 1828, is still true to

day. Morality is not determined by the act, but by the nature of the choice and its underlying motivations. Further, according to *Black's*, a moral choice requires the actor to have: 1) relevant "knowledge"; and 2) the "will to choose".

"Will to choose" simply means "intent". Accidents and normal negligence do not involve intent. For example, if you intentionally steer your car to hit a pedestrian, your intent will cause you to be tried as a criminal. If you accidentally (without intent) hit the same pedestrian, you may be civilly liable, but aren't faced with criminal prosecution. A moral act always requires that the actor freely and intentionally choose to act one way rather than another. *Without choice*, there can be no intent and no moral act.

Likewise, "immoral acts" also require "intent" and "choice" as a fundamental elements.

None of this is news. Every kid quickly learns to whine "I didn't mean to" whenever they hurt their little brother or break a window. Even children know that if they deny intent, their punishment will be reduced. The child's "I didn't mean to" is synonymous with the lawyer's legal argument that, "The defendant lacked the requisite intent to constitute a criminal act".

But, more importantly, *Black's* declares that persons must have "*knowledge* to guide them" in order to commit a moral action. What's that mean? Ask any five-year old boy who's just set the couch on fire. He knows that if he whines, "Gee, I didn't know matches would start the *couch* on fire!" his parents just might go easy on him. For adults, the plea "Gee, *I didn't know* the gun was loaded," is the same thing. Without relevant *knowledge* there can be no moral act and thus no crime.

You can begin to see why understanding fundamental moral elements (choice, intent and knowledge) is vital to understanding law. Moral issues lie at the foundation of all criminal law. If you didn't *freely choose* to shoot someone (perhaps you were coerced; someone held a gun to your head), you aren't criminally liable. If you chose to shoot but you were just joking around, and truly didn't *intend* to hit someone, you are not criminally liable. If you chose to shoot, but didn't *know* someone was hiding behind the target, you are not criminally liable. Without *knowledge*, there can be no moral act, and therefore no crime.

Legal insanity

But "knowledge" necessary to constitute a moral act goes far deeper than mere understanding of relevant facts. Remember Webster's 1828 definition (supra), "The word moral is applicable to actions that are good or evil, virtuous or vicious, . . . right or wrong"? The fundamental knowledge required to constitute a moral act is not knowledge of facts, but knowledge of *right and wrong*.

Anyone who follows sensational murder trials knows that the defense attorneys sometime uses the "insanity defense" wherein they allege that the defendant did not know *the difference between right and wrong* (he was "legally insane") when he shot the victim – and thus can't be held personally liable for the murder. That's a *moral* defense. Without the requisite knowledge of good and evil, you can't commit a moral act and thus can't be guilty of a crime. No knowledge, no moral act, no crime.

Black's Law Dictionary (4th Rev'd) defines "Legal Insantity" in part as,

". . . A disease of the brain, rendering a person incapable of distinguishing between r*ight and wrong* with respect to the offense charged." [Emph. add.]

Thus, legal insanity is essentially a *moral* concept.

As with other moral acts, crimes require the actor's knowledge of facts (opportunity), intent (motivation), free choice (not under threat, duress, coercion or psychological disability) and knowledge of good and evil. Therefore only *moral* persons (those who know the difference between right and wrong) can be held responsible for committing an immoral/ criminal act.

Interesting insight, hmm? Legal insanity is essentially a *moral* concept. That is, the terms "moral person" and "legally insane" are mutually exclusive. If you're moral, you can't be legally insane. If you're legally insane, you can't be moral.

Amoral

But if a legally insane person can't be "moral," and "immoral" describes the quality of an *act* rather than the *actor*, what is the proper term to designate one who *doesn't know* the difference between right and wrong?

In conventional pursuits, such people are called "amoral". *Webster's Encyclopedic Unabridged Dictionary* (1989) defines "amoral" as:

"1. without moral quality: *neither moral nor immoral*. 2. Having no moral standards, restraints, or principles . . . ." [Emph. add.]

Read closely, the definition indicates that "amoral" is the *opposite* of "moral" (and its subcategory "immoral"). The term "amoral" ultimately describes those persons who don't know the difference between right and wrong and therefore can't choose right over wrong, even if they're free to do so.

Remember the old rule of logic: "If A = B and B = C, then A = C"? If we apply that rule to "amoral" and "legally insane" we can infer that since both terms describe persons without knowledge of right and wrong (good and evil) – the two terms are synonymous.

Thus, to be "amoral" (not understand the difference between right and wrong) seems virtually identical to being "legally insane".

Invisible majority

The only inhibition for amoral people is the perceived probability of punishment in this life (which is exactly why "deterrence" is promoted by our judicial system). However, given our justice system's failure to catch, let alone punish, most crimes, the amoral are statistically encouraged to engage in criminal acts. If you won't be punished, why not? For the amoral, crime truly pays.

As a result, the amoral aren't uncommon. In fact, they're so numerous that they're not only America's only true majority but they're also almost "invisible" precisely because they're so prevalent. They're so common, they're ignored and almost unnoticed.

If you can't imagine what an amoral person looks like, watch the Jerry Springer Show with all the transsexuals, prostitutes, homosexuals, lesbians, adulterers and similarly "morally challenged" individuals.

What do you see? *Amoral* people. Men who just don't understand there's something *wrong* with sleeping with your wife's sister. Homosexuals who don't understand their love for children is *wrong*. Mothers who don't understand the reason their kids are wild is because mom left their dad years earlier. Prostitutes who simply can't understand there's something *wrong* with selling your body for money.

When Jerry Springer's audience tells the show's amoral guests that their acts were wrong, the guests gape or grin as if the audience were speaking in tongues.

"What do mean you shouldn't sleep with your brother's wife? Y' have a few beers, one thing leads to another – and it's *allll* good!"

"What do you mean you shouldn't cheat on your husband with a lesbian lover? It's not like cheating with another man. . . ."

And (the winner!): "How can prostitution be wrong if you make a lot of money?"

Springer's guests just don't get it. Their inability to understand the difference between right and wrong is exactly what gets them into trouble. Because they don't grasp the difference between right and wrong and can't even imagine that such differences exist, their lives will be an endless series of seemingly unanticipated problems.

They can blame their parents, their race, their sexual tendencies or drug addictions – and all of those excuses may be valid – but the core of their problem is their personal inability to understand that it's *wrong* to sleep with your wife's mother. And precisely because they can't even imagine that there's a meaningful difference between right and wrong, they're absolutely helpless to see and then correct their persistent problems.

Eventually, they'll adopt the victim's mentality and whine, "*Why* does this always happen to *meee?!*"

Answer? Because you dummies don't know the difference between right and wrong! And therefore you keep trying the same stupid, wrongful acts, over

and over, expecting to get a different result. I.e., after cheating on their *first* wives (which caused their divorce and financial ruin), the amoral will again cheat on their *second* wives – and express shock when they're once again divorced and ruined. But no matter, there's always a third wife – whose trust they'll also betray – and again, divorce and ruin will "mysteriously" follow. They just don't get it. They can't see the moral forest for the individual trees.

But make no mistake. While Springer's amoral guests represent America's growing White (and Black) trash contingent, amorality is not confined to the lower classes. Lawyers, politicians, salesmen and corporate executives all practice trades in which a strong understanding of the difference between right and wrong is a disability. Clearly, those persons who are most passionate about justice won't last long in law. Likewise, can you imagine many politicians prospering who had real understanding of right and wrong? How 'bout, a rising corporate executive passionately dedicated to ethics? For most of these high rollers success means, "Living La Vida Amoral".

Look at Bill Clinton, the quintessential amoral man. Thanks to his amoral nature, he's achieved great power but in consequence, his personal life is a ruin. And do you suppose Clinton understands the problem? Even after the impeachment debacle, does Clinton really understand why he shouldn't have sex with interns in the "Oral Office"? The only thing impeachment taught Clinton was to be more careful. He continues to smirk when people accuse him of amoral acts. Why? 'Cuz he just doesn't get it. He simply doesn't understand the difference between right and wrong.

Personal status

Eve's sin the Garden of Eden started with fruit from the "Tree of Knowledge of Good and Evil". Before they ate that apple, Adam and Eve strolled around paradise and talked naked to God like a couple of hippies. But having tasted of the "knowledge of good and evil," Adam, Eve and their descendants were ejected from the Eden Sunbathers Society, burdened with the obligations of wearing clothes and finding their own food, and shamed whenever their private parts were exposed to others.

More importantly, once Adam and Eve ingested the knowledge of good and evil, their *status* changed – they became *moral* persons who would be held accountable for their sins. The knowledge of good and evil changed their status from amoral sunbathers (God's children) into moral individuals (adults) responsible for their own acts.

We've seen a similar transitions in status in primitive cultures where young men go through various tests of "manhood" to advance from the status of child to adult. For centuries, the Western world similarly educated its amoral children to become moral adults by teaching them knowledge of right and wrong. In the Jewish faith, children pass their Bar Mitzvah; among Christians, there's "confirmation". Each of these "rites of passage" reflect a more ancient time when children – having learned the difference between good and evil, right and wrong – were granted the *status* of adults in which they enjoyed certain privileges but also accepted personal liabilities unknown to children.

Today, what "rite of passage" separates amoral American kids from presumably moral American adults? With the possible exception of high school graduation, there is none. You turn 18 or 21 and presto-chango! You're supposed to be a moral person (adult) suddenly accountable whenever you choose wrong rather than right.

But who taught you difference between right and wrong? Certainly not the public schools. Not college. Probably not your parents since you hardly ever saw them. TV? The movies? Kids on the street?

Unless you went to a parochial school where morality is a core curriculum, you probably haven't learned the difference between right and wrong, have no idea why that difference is important, and are thus amoral and headed for a lot of trouble.

Just as knowledge of good and evil changed Adam and Eve's status into responsible adults subject to punishment, so transition from amoral child to (presumably) moral

adult changes our legal status. But what is an apparent adult who doesn't know the difference between right and wrong? Amoral. Legally insane. *A ward of the court*.

Implication: it may seem farfetched, but the fundamental determinant of your legal status in court is your *moral capacity*. The amoral are legally insane and thus rightfully wards of the court with no more rights than children and bound to be "represented" by lawyers like any other incompetent. I suspect that only truly moral adults can bypass the administrative tribunals reserved for the "great amoral" and go directly to courts of law.

Knowledge of God

The foundation for all morality is deeper than a "knowledge of right and wrong". The ultimate foundation requires recognition of the *source* of that knowledge – i.e., a knowledge of God. Remember Webster's 1828 definition (supra) of "Moral law"? "The *law of God* . . . ." Criminal law is ultimately *moral* law which, in turn, is the "law of God".

Without the ultimate "fear" and "love of God," we are all about as persuasively moral as Bill Clinton toting a Bible to Sunday church (you can't help wondering if he's hollowed out his "good book" to carry booze, cocaine or condoms). All notions of right and wrong, good and evil are ultimately plastic, changeable, context-driven and unconvincing – *unless* they're based on a foundation knowledge of God. I don't have space to expand that argument here, but it's absolutely true and it raises spiritual insights and questions that are perplexing and substantial.

For example, if morality ultimately depends on knowledge of God, then amoral people not only lack knowledge of good and evil, *they don't know God*. If so, why not?

Some folks suppose the amoral don't know God because they're not His children. I don't believe that's true, at least not in all cases, because although I knew *of* God, I didn't "know God" until I was forty-five years old and He knocked me flat on my back.

Looking back, I now realize I was amoral and legally insane until 1) I first knew God; and 2) over the nine ensuing years, began to recognize the difference between right and wrong. It sound nuts, but looking back I see I've only begun to be "moral" and "legally sane" for the past two years.

In any case, if an amoral man like me can be introduced to God after 45 amoral years, it follows that other amoral persons can also be "saved" or at least "called" (given knowledge of God) and given opportunity (life) to learn (gain knowledge of) the difference between right and wrong.

But one thing for sure, I can't teach the knowledge of God to others. I can talk about Him, I can teach "of" Him, but I can't make anyone "see" (directly experience) and therefore "know" God. I don't think anyone else can, either.

So far as I know, direct knowledge of God is only distributed by God Himself. Thus, for whatever reason, God has not yet chosen to directly reveal himself to the amoral.

Does this mean the amoral are spiritually condemned? Not necessarily. The New Testament offers *indirect* knowledge of God – knowledge based on *faith* rather than direct experience. Through faith, the amoral can believe in God and indirectly achieve the necessary knowledge of good and evil, right and wrong.

My reading of the Bible suggests that God's fundamental purpose is to make man "know" (or acknowledge) Him. For example, when the prophet Elijah called on God to send fire from the sky to ignite a pile of water-soaked wood and a dismembered bull, Elijah prayed that God would do so to "show that He was God." Without that divine purpose, I doubt that God would've answered Elijah's prayer.

Similarly, I find passage after passage in the Bible where God explains the reason he blessed, cursed or otherwise affected a particular person or nation was "so they will *know* that I am God." (There's nothing like a giant hand "writing on the wall" to make you realize your education's incomplete.) Why? I suspect the knowledge of God is necessary to know the difference between right and wrong and thereby obey God's (moral) law.

Excerpts from *Hosea* 4:1-14 offer a bit of support:

"Hear the word of the Lord, you Israelites, because the Lord has a charge to bring against you who live in the land: There is no faithfulness, no love, no ac*knowledg*ment of God in the land. There is only cursing, lying and murder, stealing and adultery; they break all bounds, and bloodshed follows bloodshed. . . . my people are destroyed from lack of *knowledge*. Because you have rejected *knowledge*, I also reject you as my priests; because you have ignored the law of your God, I also will ignore your children. . . . They will eat but not have enough; they will engage in prostitution but not increase, because they have deserted the Lord to give themselves to prostitution, to old wine and new, which take away the *understanding* of my people. . . . a people without *understanding* will come to ruin!"

I believe the "knowledge" and "understanding" referred to by Hosea is *knowledge of God* – and, thus, right and wrong – which lays the foundation for morality. My people perish for lack of knowledge *of God*. Without that knowl-

edge we can expect to live lives that come to ruin.

Look around. Say it isn't so.

Education

'Twasn't the guns that killed the kids in Columbine, 'twas amorality. The shooters didn't *know God* and therefore *couldn't* know the difference between right and wrong. Although the shooters seemed normal prior to the tragedy, they were disabled because they were amoral, unable to tell the difference between right and wrong and therefore legally insane. Because of their invisible affliction, a bunch of students died.

Solution?

Government says ban handguns.

I say restore morality as a core curriculum in public schools. But if moral law is truly "God's law," how can you teach morality if you can't teach about God? How can you raise moral children in schools that prohibit prayer? How can there be a moral majority in a society whose government restricts the mention of God to children?

Today, we educate our kids to live as amoral technocrats in an amoral corporate world. That being so, why should kids study? Since they were born perfectly amoral and public schools won't improve that condition, why bother going to school?

To learn amoral technology?

Unless we teach morality as a core curriculum, formal education makes no more sense than teaching kids how to masturbate – they already know! Without giving kids some sense of morality (the "limits" our psychologists routinely espouse) to inhibit their youthful sex drives and tendencies to violence, should we be surprised if teenagers are promiscuous, pregnant, diseased or dead?

No.

My people don't merely perish for lack of knowledge, they also kill each other with bullets and sexually-transmitted disease.

Education, legal status, spiritual implications, "good faith" immunity (ignorance of right and wrong), vice laws, equity courts, psychiatric disciplines – even international politics and holy wars are ultimately determined by *moral* issues – the knowledge of right and wrong, the freedom to choose between them, and ultimately the knowledge of God.

Morality touches every aspect of our lives in ways that are profound. And virtually none of us understand a bit of it. I believe it's time to find God, learn the difference between right and wrong and become moral persons.

We'll revisit moral issues regularly in future editions of the AntiShyster.

Letters to and from J.O.

J. O. Haney and his wife, Trish, are fine Christians who come from a family of fine Christians. As you'll read, his Aunt Martha has a gift for stirring folk's "spirit":

Hello Al, I recently received a letter from my Aunt. She writes:

"The other day I went up to a local Christian bookstore and saw a "Honk if you love Jesus" bumper sticker. I was feeling particularly sassy that day because I had just come from a thrilling choir performance, followed by a thunderous prayer meeting, so I bought the sticker and put it on my bumper. Boy, I'm glad I did! What an uplifting experience that followed! I was stopped at a red light at a busy intersection, just lost in thought about the Lord and how good He is, and I didn't notice that the light had changed. It is a good thing someone else loves Jesus because if he hadn't honked, I'd *never* have noticed!

"I found that LOTS of people love Jesus! Why, while I was sitting there, the guy behind started honking like crazy, and then he leaned out of his window and screamed, "For the love of God! GO! GO! Jesus Christ, *GO!*" What an exuberant cheerleader he was for Jesus!

"Everyone started honking! I just leaned out of my window and started waving and smiling at all those loving people. I even honked my horn a few times to share in the love! There must have been a man from Florida back there because I heard him yelling something about a "sunny beach". I saw another guy waving in a funny way with only his middle finger stuck up in the air. Then I asked my teenage grandson in the back seat what that meant, he said that it was probably a Hawaiian good luck sign or something. Well, I've never met anyone from Hawaii, so I leaned out the window and gave him the good luck sign back. My grandson burst out laughing . . . why, even *he* was enjoying this religious experience!

"A couple of the people were so caught up in the joy of the moment that they got out of their cars and started walking towards me. I bet they wanted to pray or ask what church I attended, but this is when I noticed the light had changed.

"So I waved to all my sisters and brothers grinning, and drove on through the intersection. I noticed I was the only car that got through the intersection before the light changed again, and I felt kind of sad that I had to leave them after all the love we had shared, so I slowed the car down, leaned out of the window and gave them all the Hawaiian good luck sign one last time as I drove away.

"Praise the Lord for such wonderful folks.

"Love Aunt Martha"

Here's another letter from J.O.:

Dear Al,

Forrest Gump died and went to Heaven. When he got to the pearly gates, Saint Peter told him that new rules were in effect due to the advances in earthly education. In order to gain admittance, a prospective heavenly soul must answer three questions:

1. Name two days of the week that begin with "T"

2. How many seconds are in a year?

3. What is God's first name?

Forrest thought for a few minutes and answered, "The two days of the Week that begin with "T" are 'Today and 'Tomorrow. There are twelve seconds in a year. And God has two first names; they are 'Andy' and 'Howard'."

Saint Peter paused and then said, "Okay, I'll buy Today and Tomorrow . . . even though it's not the answer I expected, your answer is correct. But, how did you get twelve seconds in a year, and why did you ever think that God's first name is either Andy or Howard?"

Forrest explained; "Well, January 2nd, February 2nd, March 2nd, etc. . ."

"OK, I'll give you that one too," said St. Peter, "but what about the God's first name stuff?"

Forrest said, "Well, from the song, 'Andy walks with me, Andy talks with me, Andy tells me I am his own . . .' and the prayer, ' Our Father, who art in Heaven, Howard be thy name...'"

St. Peter smiled, ended the discussion and welcomed Forrest into Heaven . . . .