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 Chaos and Beyond

 The Best of Trajectories

 Jury Nullification: Freedom's Last Chance

 An old idea has resurfaced that may have major potential to slow or even

 reverse the terrifying erosion of the Bill of Rights under the Reagan-Bush

 team and their right-wing Supreme Court. I refer to the revival of the ancient

 Saxon doctrine of Jury Nullification which has now become a projected

 Constitutional amendment under consideration in 22 states.

 Since Mr. Justice Brennan, the last plumb-line defender of civil liberties,

 has retired, and the Supreme Court seems fated to move even further toward the

 authoritarian right-wing, only Jury Nullification can preserve what still

 remains in this perishing Republic of Anglo-American libertarianism.

 Jury Nullification rests upon an old Common Law principle (which Lysander

 Spooner in his scholarly "Essay on Trial by Jury" [1852] proved to underlie

 the Jury clause of Magna Carta) -- viz, that the only way to prevent the

 government from imposing unjust or nefarious laws is to grant juries the right

 to negate such laws. This right, as Spooner demonstrated, explains the

 tradition that a jury should consist of twelve citizens selected at random and

 thereby representing (as far as scientifically possible) the full range of

 common sense and common morality of the population in general (including the

 recalcitrants and cranks among us, upon whom liberty has always depended in

 bad times.)

 In a once popular formulation, the doctrine of Jury Nullification holds that

 "a jury may judge the law as well as the facts in the case." Since Magna Carta

 this has been repeatedly upheld by courts in both England and America, only

 occasionally denied by lower, and currently remains the law of both countries,

 although judges have no legal obligations to inform juries that they possess

 this right.

 In fact, in one infamous decision, in the 1890s, the U.S. Supreme Court upheld

 the right of Jury Nullification but simultaneously ruled that the judge not

 only doesn't have to tell the jury they have this right but can prevent the

 defense attorney from telling them. In other words, American juries have the

 right to nullify the law, but the judge, if so inclined, can do everything in

 her or his power to prevent them from knowing it.

 In only one state out of the 50 -- Maryland -- does the State Constitution

 oblige the judge to inform the jury that they have the right to acquit where

 the facts prove the defendent technically guilty but the sensibility of the

 jury holds that he or she did no real wrong. In the other 49 states, the right

 exists nebulously, like a ghost, haunting old parchments; judges do not talk

 about it, and juries, not knowing that they hold in their hands the final

 checkmate against tyranny, do not exercise the authority they possess.

 As Lord Denman wrote (in O'Connel vs. Rex, 1884): "Every jury in the land is

 tampered with and falsely instructed by the judge when it is told that it must

 accept as the law that which has been given to them, or that they must bring

 in a certain verdict, or that they can decide only the facts of the case."

 Outside Maryland, every jury in America is still tampered with and falsely

 instructed in this manner.

 The Fully Informed Jury Amendment can change all this, since it would require

 judges to inform juries of their right to judge the law as well as the facts

 and to refuse to enforce any law they find repugnant, tyrannical, nefarious,

 or just plain idiotic.

 Under the current government, we can expect abortion to become illegal again,

 and some women will die in back alleys the way they did before Roe v. Wade.

 But an informed jury can nullify any anti-abortion law by refusing to convict

 doctors or patients or the counselors who send the patients to the doctors.

 They can nullify the law "in the teeth of the facts" of the case; and even one

 informed juror can hang the jury and cause a mistrial.

 Similarly, the present idiotic "war" on drugs will continue indefinitely, at a

 cost of billions, with further erosion of the Constitution, and with no

 tangible good results credible to anyone with more than half an inch of

 forehead. But an informed juror can again cause a mistrial. Certainly, the

 anti-pot law, the silliest of our drug laws, could not survive, in a nation

 with at least 70 million pot-heads, if juries knew they had the right of

 nullification.

 In the landmark William Penn case in England in the 1670's, the State proved

 beyond doubt that Penn "was guilty"; i.e. he did consciously and deliberately

 violate the law by preaching in a public street a religion not that of the

 Anglican Church. The jury refused to convict, finding religious persecutions

 repugnant. The judge, in a fury, confined them to the Tower of London until

 they would agree to convict. After those twelve ordinary unheroic Englishmen

 had served enough time in the Tower, public opinion forced the judge to

 reverse himself and admit the jury had the right to decide the law as well as

 the facts. And that, children, is how religious liberty came to birth in the

 modern world after 200 years of bloody religious wars: 12 simple men who felt

 sick and tired of religious bigotry and refused to enforce an intolerant law.

 Similarly, in the John Peter Zenger case (New York, 1734), the State proved

 conclusively that Zenger violated the law by printing anti-government articles

 in his newspaper, the New York Weekly Journal. The jury simply refused to

 convict him and nullified the law. That was the beginning of freedom of the

 press in this country, even before the Revolution and the First Amendment.

 As in Penn's and Zenger's day, Anglo-American juries today still have the

 right to cry "Halt!" to any government that tramples upon human liberty; and

 even if the FIJ Amendment does not pass all 50 states in the near future, the

 very fact that it exists and is receiving publicity means that some jurors at

 least will know their rights when they enter the jury box.

 For further information, visit the FIJA Website or call 1-800-TEL-JURY for

 introductory information.

 The Future of the Future

 There was a Fundamentalist Futurist back in the 1890's who demonstrated that

 New York City would be abandoned as unfit for habitation by the 1930s. His

 argument was based on projection forward of population trends, and he

 correctly estimated that population would grow from 4 million to over 7

 million in 40 years. (He didn't guess it would reach over 12 million by now.)

 It was then obvious, he said, that the amount of horses necessary to provide

 transportation for that many people would result in a public health hazard of

 incredible dimensions: there would be horse manure up to the third floor

 windows everywhere in Manhattan.

 This illustrates the most frequent fallacy found in Future projections: the

 "elementalistic fallacy" named by Alfred Korzybski. The elementalistic fallacy

 as Korzybski noted, seems to be built into our very language. We can talk

 about Joe Smith in isolation from his (or any) environment; we can therefore

 think about Mr. Smith in such fictitious isolation; and in such

 "elementalistic fallacy" we will always draw wrong conclusions, because Mr.

 Smith cannot exist without some environment. (He will explode in a vacuum, and

 without a social world his mind will similarly explode -- or implode -- or at

 least mutate shockingly, as isolation experiments have shown. )

 Projecting population forward without projecting other factors forward has

 produced numerous elementalistic fallacies similar to thinking of Joe Smith

 without an environment. Malthus, for instance, "proved" that population will

 always increase faster than resources, but this was disproven by technological

 history, and we now understand that "resources" only exist when identified by

 analysis and each new discovery in pure science shows us new resources

 everywhere.

 One example: the Newtonian system allowed us to tap 0.001 per cent of the

 energy in a glass of water; 19th Century thermodynamics showed us how to tap

 0.01 per cent of that energy; we can now tap 1.0 per cent. Nobody knows how

 much we'll be able to tap in 50 years.

 Elementalistic fallacies abound in Future projections (including my own). We

 are only gradually and gropingly learning to think "non-elementalistically"

 (in Korzybski's phrase) or "synergetically" as Bucky Fuller liked to say. I

 have found one quick way to avoid the more obvious elementalistic and

 Fundamentalistic errors, which is this:

 Whenever I project one trend forward, I then re-analyze the situation,

 projecting at minimum five other trends forward also.

 For instance, lifespan and population have both been increasing in the past

 200 years. Projecting these trends forward elementalistically (in isolation)

 has led to some notable Doomsday scenarios in which humanity overcrowds itself

 to death. An entirely different picture emerges, however, if one projects

 these trends synergetically along with five other trends, such as:

 The effect of industrialism on population. As documented by Fuller (Critical

 Path) a nation's population only rises rapidly in the transition from

 feudalism to industrialism, then levels off when industrialism is well

 established in a country.

 The emergence of Feminism and self-choice among women, beginning with the

 18th century radicalism of Mary Wollstonecraft and now including Women's

 Liberation movements in all parts of the world -- even dawningly in Islamic

 nations.

 The movement of communication technology into space, with clear trends

 indicating that "industrial" (or more likely, post-industrial) technology

 will follow, with workers and then families and then schools and grocers and

 museums, etc. moving into space colonies.

 The continued improvement in birth control technology and the fading line

 between contraception and abortion. There is already a heated debate, for

 instance, about whether certain devices -- e.g. the IUD -- "are" or "are

 not" abortifacients.

 The neuroscience revolution (or H.E.A.D. Revolution -- Hedonic Engineering

 And Development) with its increasing promise that humans in the near future

 will achieve more freedom from mechanical conditioned reflexes (both

 "physical" and "mental") than ever before.

 Whenever I try to project all five of these trends even 40 years into the

 future, I find the "overcrowding" problem seems less likely than New York

 being buried in horse manure. To get a feel for synergetic thinking, try your

 own projection, "guestimating" what the next decade will bring in each of

 these fields, and the decade after that, and so on, to 2029.

 Sex, Satanism, and Sodomized Dogs in Southern California

 The Manhattan Beach Satanism/porno/child abuse case has at last come to a

 climax, or at least a temporary anticlimax.

 After all the hysteria and hoopla about devil worship, a sodomized dog, other

 tortured animals, a "kiddie porn" industry in the schools, and assorted rites

 of Voodoo and Black Magic; after the closure of schools and the repeated

 vandalization of a church; after the ruin of dozens of careers and severe

 damage to hundreds of lives; the final tallies, as far as we can determine,

 run about as follows:

 Number of Manhattan Beach schools accused by rumor of having Satanic

 teachers during the original 1983 panic: 9

 Number of churches similarly accused: 1

 Total number of institutions accused: (9+1) =10

 Additional charges circulated:

 "An AWOL Marine sodomized the dog of one of the molested children!"

 "Teachers at the nine schools belonged to a child pornography ring!"

 "Teachers also belonged to a Satanic cult!"

 "The cult existed not only in Manhattan Beach and nearby towns but

 throughout the United States!"

 "Animal mutilations and bloody sacrifices occurred in all local schools and

 at one local Protestant church, St. Cross Episcopal in Hermosa Beach!"

 "Hundreds of children had suffered molestation or had unwillingly

 participated in Satanic rituals!"

 "Heavy Metal Rock caused it all; if you play certain records backwards, you

 can hear voices saying Satan is my Master!!!"

 Additional interesting information:

 Number of teachers accused of child molestation and/or Satanic rituals: no

 exact figure can be found now, but somewhere in the neighborhood of one

 hundred.

 Mental status of original complaining witness: Previously judged paranoid

 schizophrenic by psychiatrists; at the time she made the charges, receiving

 Welfare on grounds of continued paranoid schizophrenia.

 Number of Manhattan Beach institutions at which the District Attorney

 finally decided enough evidence existed to indict suspects: one out of the

 nine schools (the McMartin Pre-School), or 11.1% Including the church, one

 out of the 10 institutions, or 10%

 Fate of the 8 schools at which prosecutors found insufficient evidence to

 indict: Due to public hostility, all 8 closed down and never re-opened.

 Fate of the McMartin school: Sold to pay legal expenses of defendents.

 Disposition of the alleged "Satanic" St. Cross Episcopal Church: No evidence

 to indict found by D.A.; however, under harassment and death threats, the

 pastor closed the church and moved to another part of the country.

 Evidence of Satanic rituals considered by the D.A. strong enough to bring

 into court: None (0.0%)

 Evidence of a "child pornography ring" strong enough to bring into court:

 None (0.0%)

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