
The Voluntaryist

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"If one takes care of the means, the end will take care of itself."

December 1992

Who Controls the Children?

By Carl Watner

In his book, *THE SURVIVAL HOME MANUAL*, Joel M. Skousen notes that "the bureaucrat never does any of the dirty work for the prosecution of his rulings." In other words, a judge or administrative officer who cites a citizen for the conduct of illegal activities never directly enforces his own edicts. If the activity in question—such as building a house without a permit—continues after it has been administratively determined such activity should stop, then the bureaucrat in charge of regulating such affairs usually initiates a case before the judicial branch of government. If the defendant refuses to "cease and desist," then the judge has the power to hold the offender in contempt. Instead of arresting a person for "building a house without a permit," the judge authorizes a policeman or sheriff to arrest the offender for "contempt of court." The crime then shifts into a different playing field. The issue then becomes one of "control," and the offense becomes one of questioning and denying the power and authority of the State and its judicial system. As Skousen puts it, "Notice, that if you ever resist bureaucratic 'law,' you are not prosecuted for resisting an inane and unconstitutional law, but for 'defying the court' or 'resisting arrest.'" Separating the act of resistance from the initial law which motivated the act is one of the slickest ways to bring a populace into line with bureaucratic law."

A compliant citizenry makes it easy for the State to mask its ultimate sanction. Usually the threat of arrest and imprisonment is enough to make most people docile and obedient. However, if a person wishes to resist, and refuses to submit to "court orders," he will usually find himself overwhelmed by State force, usually in the form of drawn guns ready to shoot. All State law, no matter how petty, has as its final punishment your death—should you decide to resist to the bitter end. In this enlightened age, there are few holdouts who would dare the State to go this far, but in the late 1970s John Singer, a fundamentalist Mormon living in Utah, defied court orders that he cease teaching his children at home. Ultimately, he would not peacefully submit to an arrest, and after holing himself and his family up in their mountain hideaway, he was eventually shot and killed by law enforcement officers on January 18, 1979.

The saga of John Singer should be of interest to voluntaryists for a number of reasons. First, it is concrete proof that State sovereignty rests on force and its threat. Second, it presents the dilemma of conscientious homeschool parents: Who has the final say how children should be raised and educated? Who has the right to say what they are taught, and how they are taught? Should homeschool parents acknowledge State supremacy in matters of schooling and submit to the State by complying with its regulations, or should they go their own way, as John and Vickie Singer did? In short, the case of John Singer epitomizes the question: Who ultimately controls the children in our society—their parents or the State? The purpose of this article is to look at some of the important evidence necessary to answer these questions.

Although John Singer was born in Brooklyn, New York in 1931, his parents, both originally German citizens, took him back to their native country shortly after his birth. There he experienced the horrors of Nazi regimentation and the chaos of World War II and its aftermath. Since he was a U.S. citizen he was allowed to emigrate back to the United States in 1946. There he lived with his mother's sister, learned English, studied TV repair, and became a carpenter under his uncle's tutelage. Within a year after his mother, brother, and two sisters joined him in New York, they

had saved enough money to drive to Utah, "the promised land of their faith," the Church of Jesus Christ of Latter-day Saints, the Mormons.

By the time Singer married Vickie Lemon in September 1963, he had built himself a log home in the Kamas Valley, where he farmed and plied his TV repair trade. He was described by David Fleisher and David Freedman, authors of his biography (*DEATH OF AN AMERICAN*, New York: Continuum, 1983) as "a strong, independent, industrious man with an unwavering faith in his God." Seven years after their marriage John and Vickie were excommunicated from the Mormon Church for their continued insistence on believing in the literal interpretation of the Mormon scriptures (including its original doctrine of plural marriage) and for taking the side of the fundamentalists rather than the modern church. Two years later, in March 1973, they withdrew their three school-age children from South Summit Elementary School, a public school in Kamas, Utah. The Singers objected to the "immoral secular influences" found in the Utah state-run schools, including "the school's 'permissive attitude' toward such immoral behavior as sexual promiscuity, drugs, crude language and gestures, rock music, and lack of respect for adults." They believed the State had no constitutional right to interfere with their religious beliefs by requiring them to send their children to public school.

This marked the beginning of the first phase of Singer's resistance to public schooling. After an initial meeting in April 1973, to explain their views to the Superintendent of the school district and the members of the Board of Education, the Singers received a letter informing them that they were in violation of the state's compulsory attendance law, which required attendance at a public or "regularly established" private school, or homeschooling subject to the approval of their local school district's Board of Education. On December 6, 1973 the School Board filed a complaint against John Singer in juvenile court for "the crime of contributing to the delinquency and neglect of" his three oldest children, ages 6, 7 and 8. When Singer failed to appear in court to defend himself against the charges, the judge issued a bench warrant for his arrest. It took the sheriff and his deputies about a month to apprehend Singer, since he refused to surrender voluntarily. They surprised him while he was on a TV repair call. Singer spent the night in jail, and the following day agreed to accept a court-appointed attorney and work with the school board on an approved homeschooling program. On March 8, 1974, the school board issued a certificate of exemption to the Singers, with the stipulation that the school board administer a Basic Skills Achievement Test to the four oldest Singer children twice a year, starting in the fall. The school psychologist, Tony Powell, was appointed to administer the tests and monitor the children's home education progress. Three months later, in June 1974, the criminal complaint against Singer was dismissed based on the evidence of his compliance.

John and Vickie Singer did not take lightly to regimentation. Although they allowed their children to be tested in October 1974, and April 1975, by April 1976 they concluded that "they must get out from under the thumb of the local school district" because they resented bureaucratic intrusions into their home and family life. Consequently, they informed the district they would permit no further testing. They decided that they would educate their children according to their own religious beliefs without interference from the government. As they explained, "We are responsible for our children, not the school board. They don't support or raise them, we do. We are true Americans, and

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Guest Columnist

"Flint and Steel": The Memoirs of a Superfluous Spark

By Kevin Cullinane

The other day I received an intellectual newsletter, of the small "I" (i.e. traditional) libertarian persuasion, in which the publisher invited subscribers to submit occasional columns. The invitation pushed my vanity button; I began to daydream: *"Yes they say that this year's Nobel selection was first published as a guest editorial in a small, libertarian newsletter. Really! How interesting..."*

Then that silent but baleful, uncompromising pile of half-finished projects on my desk pushed my pragmatic button, and the pleasant moment passed. "Besides," the pile seemed to whisper, "You are a bit too vituperative, or sensational in style. To appeal to a thoughtful journal." In self-defense I muttered that I wasn't either, I'm a, uh, well,...an *iconoclast*! I write and lecture in an effort to discredit icons which need *clasting*, and that *requires* that sparks should fly off the paper—but, at heart I'm just a sweet, loveable guy who can't get any respect. (The unfinished projects seemed singularly unimpressed.)

Most of us can remember the imagery of a "spark igniting a powder keg" somewhere within the stale, dead pages of the state-approved history books, force-fed us during adolescence. The hopeful phrase was a five-word promise of something exciting about to happen: **KA-BOOOOM!** (Subliminally, we hoped the explosion might actually leap from the pages to shatter the classroom's catatonic ambience.—Maybe even blow a hole in the wall through which we could escape for the rest of the day!) The anticipation invariably fizzled out; the sterilized writers of approved histories having acquired the talent to distill even the most dramatic gore into "lite" history. But for a moment the powder-keg analogy would have sparked (?) a certain attentive anticipation.

As we all did, I survived the ordeal of state-fed history, "written by the winning side." But my heart was always with those little "sparks" which, from time to time shook things up for a page or two of wearying world history. Perhaps that attraction was what steered me—during my criminal past—into a brief career as a Marine Corps insurgent and counterinsurgent "expert." (It certainly was what attracted me, in more innocent days, to admiration of Robin Hood—bane of the sheriffs and bishops surrounding Nottingham Forrest.)

To Spark Or Not To Spark...

Any who have ever camped out, beyond reach of propane campstoves, know from frustrating experience, that most sparks die without having ignited anything. But, is it the job of a spark to succeed, or is its job merely to provide the potential for ignition? I've muttered imprecations at sparks for dying on me without getting my fire started, and I've sworn at them for igniting unwanted brushfires. The poor spark! As with Kipling's generic infantryman, Tommy Atkins, it is shot at if it does, and damned if it doesn't.

John Harrington observed that, if a spark (always termed, "treason" by the Establishment of its day), manages to touch off a significant reaction, it undergoes a certain identity crisis. He wrote:

"Treason doth never prosper.
What's the reason?
For if it doth prosper,
None dare call it treason."

The inflammatory's words, enshrined for a brief season, are referred to as, "the sweet light of reason." Of course, for every Tom Paine who succeeds in touching off a sheet-flame of revolutionary passion, a hundred others are rounded up by the thought-police or, (even worse!), ignored by one and all during their lifetime.

But, as Albert Nock pointed out in his MEMOIRS OF A SUPERFLUOUS MAN, (or was it in his essay, "Isaiah's Job"?), trying to second-guess the reception which it will receive, is counter-productive to the spark's mission. It is not the job of the spark to know where the powder lies, or how much of it there is, Nock observed. Nor does the job entail knowing whether the powder is dry enough to ignite, or if, having sat overlong in an unfriendly climate, it has become degraded into a lump of nitrate fertilizer.

Good point. Any one spark has its brief season, then extinguishes; what it accomplishes during its time depends, to important degree, upon the situation in which it flares. But then, if the spark were to take the time to carefully analyze the situation, before touching its tiny fire to it, the spark would surely come to naught. (—rather than only, *quite possibly*. ... *This may be the place to observe that, given the unhappy odds facing an iconoclast, it is always well for him to have some other form of livelihood than the largess of a grateful populace!*) In the face of such somber telefinalism, I suppose that it's best that I speak and write-away; and let the sparks fall where they may.

There will always be those who counsel a "spoonful of honey," and in most cases they will be correct. The impassive dignity of diplomacy, and dispassionate phraseology of academic respectability, almost always impress, even when they fail to persuade, or even motivate, don't they? But there remains a place for "vinegar" within the intellectual affairs of passionate folks. It could be that, at present, the time has passed a point where politically-debased language is even capable of communicating genuine freedom consciousness to any significant number—but history comforts us that better times will dawn.

In the meantime, there is that all-precious Remnant whose unquenchable spirit should be fed. "Feed it to them straight", Nock advised, "100-proof, and don't be concerned about those who gag or turn away." So, if there be a journal, here or there, still open to a bit of irreverent and rather highly seasoned commentary, perhaps its time to bring the flint and the steel together. ☐

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The Subscriber's Corner

For a number of years, Charles Curley wrote a column titled "Voluntaryist Musings." It appeared in nearly every issue of THE VOLUNTARYIST during the time of his contributions. Since that time, we have had no regular contributing columnist.

It has occurred to me that perhaps there might be interest in setting up a column that would rotate as to authorship. If we had five or six subscribers who would commit themselves to writing one column per year, it would be quite simple to assign issues and deadlines, without putting undue strain on any one person to contribute a column regularly.

The column could deal with current economic, political, or social events, goings-on in the libertarian movement, or just about any topic of interest to voluntaryists.

What do you think?

Would you like to volunteer to write one article a year for THE VOLUNTARYIST? Please contact: Carl Watner, Editor, THE VOLUNTARYIST, Box 1275, Gramling, SC 29348.

Who Controls The Children?

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the Lord has let us know that He will protect our constitutional freedoms. It is a corrupt government that passes a law that takes children away from their parents, and those people who try to enforce that law are tyrants." (pp. 61-61)

Thus began the second stage of their resistance. The local school board withdrew their exemption certificate, and initiated a new criminal complaint against them. After having attended several school board meetings and court hearings, on August 23, 1977, the Singers were present in the juvenile court of Judge Kent Bachman. The charge against them was again criminal neglect of their children. Representing himself, John refused to plead guilty. All his children were well cared for, none were "neglected," and he readily admitted that they did not attend public school. Singer's position was "that the only thing I have to prove to this court is that my children are not being trained for any delinquency actions or any criminal actions, and this is the only thing I have to prove and nothing else." (p. 76) Judge Bachman insisted that the only issue was whether the Singers "complied with the policies or standards set out for the education of your children" by the school board. (p. 81) Singer responded, "But it seems like the standards which have been set out here are not the same standards I believe in. ...Have you got even the right to force my children under any form of education?"

The judge concluded that the Singers were guilty of a misdemeanor and found them in violation of the compulsory attendance law. Both parents and children were to be evaluated by a court designated psychologist, Dr. Victor Cline. John and Vickie were each fined \$290, and sentenced to 60 days in the county jail unless they met with the evaluating psychologist. Due to the publicity that their case was generating, the Singers were approached by supporters of private and home schooling, and urged to incorporate their own private school. Since Utah law was very vague on the requirements for a private school, it was thought they might use this loophole to escape the jurisdiction of Judge Bachman's juvenile court. Thus by the time they were summoned on November 1, to explain why they had failed to comply with the judge's order (four children had been tested and evaluated by Dr. Cline, but they themselves refused to submit) the Singers had formally incorporated their own private school, High Untas Academy, Inc. Judge Bachman granted a stay, and held that if after one month the Singers did not comply with the order of August 23rd, "there will be incarceration for both of you."

On November 3, 1977 John and Vickie were interviewed and tested by Dr. Cline. He found the children to be on an average of 34 points lower IQ than their parents because the children were not having "adequate educational experiences." In the meantime, Judge Bachman had set a trial date for December 16th, and decided to hold a pre-trial conference on November 5. In an effort to work out a peaceful compromise, the judge agreed to vacate his order that they be jailed and pay a fine, if the Singers would submit an acceptable plan for the education of their children. This the Singers refused to do, because they believed the judge had improperly disregarded their efforts to form a private school. They also decided not to attend their December 16th trial for fear that their children would be physically taken from them. On December 16th, Judge Bachman issued bench warrants for their arrest, and set bail at \$300 each. Their trial was continued to January 31, 1978.

For the next year, John Singer was literally at war with the authorities, and did not set foot outside his farm. When contacted by the sheriff on the telephone, John informed him that he "intended to resist arrest." At the January 3rd trial, Judge Bachman found John and Vickie Singer guilty of child neglect. By now, they had five school-age children who were ordered to submit to daily tutoring provided by the South Summit School District. If the Singers failed to comply with the tutoring program designed by the school district, they would be held in contempt of court. The Singer children were to remain in the custody of the Utah Division of Family Services (Judge Bachman had first issued the custody ruling on August 23, 1977), but allowed the

children to remain at home with John and Vickie. After the trial, John Singer told the press that he and Vickie would not allow a tutor in their home. "We're not trying to tell other people what to believe or how to live, we just want to be left alone and mind our own business."

As a result of case reassignments, a new judge entered the picture. Since the Singers would not comply with the school district's daily tutoring plan, on February 6, 1978, the new juvenile court judge, Farr Larson, issued an order for the Singers and their children to appear in court March 14, 1978 to show cause as to why the parents should not be held in contempt, and why the children should not be taken from their home and placed in custody of the State. The Singers did not attend their show cause hearing on March 14, 1978. Judge Larson found them in contempt and issued bench warrants for their arrest. His order was stayed for 7 days, so as to allow the Singers time to file an appeal. On March 21st, the sheriff was ordered to commit both parents to jail for 30 days, and each of them were ordered to pay a fine of \$200.

The Singers refused to appeal their convictions (primarily on

"Drawing The Line"

It certainly appears, on the surface and in the short run, easier to come to some sort of compromise with the State and allow it to have some say in the education of our children. Yet such a compromise can only feebly palliate our position for that day when the State comes and insists that we must teach what we conscientiously oppose. Minimum Requirements do indeed *appear* reasonable. And probably few Christian parents or schools fail to teach their children the basic subjects that the proponents of this view include in their list of prescribed courses. ... This is quite different, however, from acknowledging that the State has the right to *compel* us to teach our children these things, particularly when the State has so miserably failed in teaching "its" own children these very requirements.

Moreover, once we grant this principle, where can we possibly draw the line? If we agree that the State has the legitimate authority to mandate the teaching of that which society generally agrees as essential to social communication and good citizenship because we may agree with those basic requirements today, what if tomorrow the consensus of an increasingly corrupt society (as in Nazi Germany) goes beyond our prior agreement? If tomorrow we say that we cannot agree to the State's requirements, then we can only in good conscience refuse to submit to those requirements if we deny that the State *ever* had that rightful authority in the first place. If the State has *legitimate* power to control education, then obviously that control cannot be defined by those over whom it is to be exercised. Either the State has the legitimate power or it does not. If we accept any governmental authority in this area today, we greatly weaken and compromise our position for the battles that will inevitably come tomorrow. Unless we confess now that absolute, given limits prevent us from submitting in good conscience to any governmental control of education, we shall have compromised our position for the future.

—Blair Adams, WHO OWNS THE CHILDREN?
(1991) p. 292.

the basis that such actions were inconsistent with their religious beliefs). John had also previously told friends that "I'd rather die than go against my religious beliefs." (p. 111) When Judge Larson finally dissolved his stay of execution, he was quoted in the newspapers as saying:

By law, children in this state have a right to an education, and a duty to attend school. Children are no longer regarded as chattels of their parents. They are persons with legal rights and obligations. The rights of the parents do not transcend the right of a child to an education nor the child's duty to attend school. Parents who fear the negative influence of public education should also examine the

damaging effects of teaching a child disobedience to law and defiance to authority. (p. 114)

The judge also directed the sheriff to arrest John Singer, but "to employ such means and take such time as are reasonably calculated to avoid the infliction of bodily harm on any person." (p. 144) After nearly six months of inaction, in October 1978, Judge Larson removed the restriction about the use of violence from his arrest order, but he set no time limit for Singer's apprehension. After consultation with State law enforcement officials, it was decided that they would try to arrest Singer during a media interview, at which three law officers would pose as newsmen. This caper was foiled by Singer's strength, his family's immediate reaction (they jumped all over his would-be captors), and the pistol in Singer's waist band. On October 20, 1978, the Summit County attorney filed a new criminal complaint, charging John with 3 counts of aggravated assault for resisting arrest with a gun. A felony warrant (which automatically permits the use of deadly force to effect an arrest) was issued so he could be taken into custody. Judge Larson was also reaching the end of his patience. Near the end of October 1978, he threatened the county sheriff with a contempt of court citation if he—the sheriff—did not carry out the order to arrest Singer.

By early November 1978, John Singer had been at a standoff with the authorities for the better part of a year. He was still in contact with the media via the telephone and friends. His predicament, he believed, was caused as much by the Mormon Church as it was by the State of Utah. "Speaking of his right to educate his children as he saw fit, John had said: 'According to the state's system, my home is just a feeding place. All they want me to do is feed my children and they want to take them from me and brainwash them to put them into a Sodom and Gomorrah society.'" (p. 158) The local and State government and its enforcement machinery found themselves in an increasingly embarrassing situation. One lone man was holding them at bay.

Something had to be done. The leadership of the Utah Department of Public Safety, the Division of Narcotics and Liquor Law Enforcement, and Highway Patrol all became involved in a surveillance and apprehension plan. The key was to "surprise Singer with such a show of force that he would realize the futility of resisting arrest and would submit peacefully." (p. 170) Ten men, in five groups of two, were to watch Singer, learn his daily routines, and eventually confront him in such a fashion that he would have no choice but to submit. On January 18, 1979, their plan was put into effect while John was clearing snow off his driveway with a gas-powered snowblower. Although he had put down his rifle, Singer still had a thirty-eight Colt automatic tucked in his trousers. When approached by four of the lawmen, he turned, started running, and drew the pistol from its resting place. Feeling threatened for his personal safety, one of the officers fired his shotgun at Singer, and killed him with a single blast of buckshot. Shortly thereafter, social workers took the children into protective custody for nine days. In order to get them back, Vickie agreed to a court-approved plan whereby she could teach the children at home under the supervision of a private school acceptable to the juvenile court.

Thus ended the life and saga of John Singer, killed while resisting arrest on charges of contempt of court and feloniously assaulting law officers attempting to arrest him. Was he right? Does statist law assign the control of children to their parents, or does the State reserve to itself the right to control their upbringing? In other words, who controls the children in our society?

One of the books that prompted the writing of this article was Blair Adams' volume: *WHO OWNS THE CHILDREN?* (subtitled "Public Compulsion, Private Responsibility, and the Dilemma of Ultimate Authority," Waco, Texas: Truth Forum, 1991, Fifth edition). Penning a very broad-ranging fundamentalist Christian attack on State compulsion, the author examines some of the court cases and legal precedents that shed light on this important question. In his "Preface" he writes:

(A)ccording to the courts of this land, ... "A child is primarily" not his parents' offspring but "a ward of the [S]tate"; ... parents hold relationship to the child only at the State's "sufferance"; ... "the moment a child is born

he owes allegiance to the government"; ... parents serve as a mere "guardianship" which "the government places [the child] under"; ... parental authority must be "at all times exercised in subordination to the paramount and overruling direction of the [S]tate"; ... "the natural rights of a parent to the custody and control of ... his child are subordinate to the power of the [S]tate"; ... in deciding whether parent or State will control a child's education, the child's academic progress under the parents—even as measured by State-approved tests—has been termed by State prosecutors as "irrelevant and immaterial"; and finally ... such legal principles and policies form the basis of all this nation's compulsory education laws. (pp. xix-xx)

Now let us examine the actual court cases and contexts in which these judicial statements were made.

Mercein v. People Ex Rel Barry, 25 Wendell 64, December 1840

This case involved a custody dispute in New York state. Lawyers for Mr. Barry, the father, argued that the father's right to the custody of his minor child was paramount to that of Mercein (his father-in-law) or even Mercein's daughter (the child's mother). The court stressed that, "The interest of the infant is deemed paramount to the claim of both parents," and that the welfare of the infant must be recognized ahead of the rights of the parents. The chancellor then went on to explain how parental authority is dependent on the State:

By the law of nature, the father has no paramount right to the custody of his child. By that law the wife and child

Suffice it to say that cops are the real rulers of your everyday life, and while somebody else may juggle the price of wheat on the international market, or determine whether to unleash a firestorm of agony and destruction in some small country in order to prop up some unimaginably vast interests, it's a cop who ultimately enforces the impact of any policy upon you. Even if the Federal government conducts a war and passes a law enforcing conscription, the people who will eventually drag you to the draft board are not federal officials, but police. And since becoming a policeman is a voluntary choice, implying that the whole system of "government" and its coercion would collapse if they voluntarily decided to stop coercing people, it follows to my way of thinking that the real government—the one that counts, to YOU—is the police.

—I. R. Ybarra in *THE MATCH*,
Summer, 1992, p. 10.

are equal to the husband and father; but inferior and subject to their sovereign. The head of a family, in his character as husband and father, has no authority over his wife and children; but in his character of sovereign he has. On the establishment of civil societies, the power of the chief of a family as sovereign, passes to the chief or government of the nation. And the chief or magistrate of the nation not possessing the requisite knowledge necessary to a judicious discharge of the duties of guardianship and education of children, such portion of the sovereign power as he relates to the discharge of these duties, is transferred to the parents, subject to such restrictions and limitations as the sovereign power of the nation think proper to prescribe. *There is no parental authority independent of the supreme power of the state.* But the former is derived altogether from the latter. ... (Emphasis added.)

It seems then, that by the law of nature, the father has no paramount inalienable right to the custody of his child. ... *The moment the child is born, it owes allegiance to the government of the country of its birth, and is entitled to the protection of that government.* (Emphasis added.)

State v. Bailey, 157 Ind. 324, October 29, 1901

Sheridan Bailey had been convicted for violating the compulsory education law of Indiana which went into effect March 8, 1897. One of the grounds upon which Bailey challenged the state was that "it invaded the natural right of a man to govern and control his own children." The court responded with the following words:

The natural rights of a parent to the custody and control of his infant child are subordinate to the power of the state, and may be restricted and regulated by municipal laws. (Emphasis added.) One of the most important natural duties of the parent is his obligation to educate his child, and this duty he owes not to the child only, but to the commonwealth. If he neglects to perform it or willfully refuses to do so, he may be coerced by law to execute such civil obligation.

Viemeister v. White, President of Board of Education, 179 N.Y. 235, October 18, 1904

This case involved a compulsory immunization regulation of the Queens County Board of Education mandating that all pupils and teachers be vaccinated, or otherwise be denied admittance to school. The parents sued the Board of Education, demanding that their son be re-admitted to public school, even though he had not received the required shots. The parents believed that smallpox vaccinations "did not tend to prevent smallpox," "tends to bring about other diseases, and that it does much harm with good." The court observed: "When the sole object and general tendency of legislation is to promote the public health, there is no invasion of the Constitution, even if the enforcement of the law interferes to some extent with liberty or property." The court also noted that belief in the efficacy of vaccination programs was widespread both in the United States and other countries.

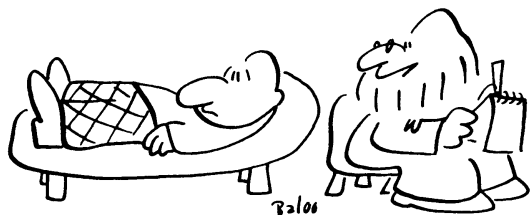
The possibility that the belief may be wrong, and that science may yet show it to be wrong, is not conclusive; for the Legislature has the right to pass laws which, according to the common belief of the people, are adapted to prevent the spread of contagious diseases. In a free country, where the government is by the people through their chosen representatives, practical legislation admits of no other standard of action: *for what the people believe is for the common welfare must be accepted as tending to promote the common welfare, whether it does in fact or not.* (Emphasis added.)

In effect, the court said that if it is a common belief that killing red headed people is an effective way to ward off economic depressions, and the legislature passes a law authorizing the killing of all red heads for this purpose, then killing of red headed people is no longer murder but a legislatively sanctioned activity for the general welfare of the society. Such reasoning is the result of belief in majority rule, and the negation of individual rights.

State v. Shorey, 48 Or. 396, September 11, 1906

John Shorey was convicted of violating Oregon's child labor law which prohibited "the employment of a child under 16 years of age for a longer period than 10 hours in any one day". On appeal the Oregon Supreme Court explained that laws regulating the employment of adults had a different constitutional basis than the child labor law. Since the 14th Amendment to the federal constitution protected "life or liberty," adult employment laws were only valid if they were reasonably necessary to "protect the public health, safety, morals or general welfare."

But laws regulating the right of minors to contract do



"What do you mean, the government's out to get you? It's already got you?"

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not come within this principle. ... *They (minors) are wards of the state and subject to its control. As to them the state stands in the position of parens patriae and may exercise unlimited supervision and control over their contracts, occupation, and conduct, and the liberty and right of those who assume to deal with them. This is a power which inheres in the government for its own preservation and for the protection of life, person, health, and moral of its future citizens.* (Emphasis added.) ... [The court then goes on to cite the author of a legal textbook] 'Minors are wards of the nation, and even the control of them by parents is subject to the unlimited supervisory control of the state.'

Consequently, the court affirmed that Oregon's child labor law was "a valid exercise of legislative power."

Allison et al. v. Bryan, 21 Oklahoma 557, June 25, 1908.

This case adjudicated a custody dispute over Kenner Allison, Jr., the illegitimate child of Anna Bryan and Kenner Allison, Sr. By the early common law, fathers usually asserted their control over any and all of their children. This right was gradually eroded by statutory law and court decisions during the 19th Century. Thus, by 1908, the Oklahoma Supreme Court declared that fathers were not entitled to the services of their children.

A child is primarily a ward of the state. The sovereign has the inherent power to legislate for its welfare, and to place it with either parent at will, or take it from both parents and to place it elsewhere. This is true not only of illegitimate children, but is also true of legitimate children. *The rights of the parent in his child are just such rights as the law gives him; no more, no less.* His duties toward his child are just such as the law places upon him. ... [The Court then cites the case of Mercein v. People (see above) and concludes its general discussion of children, parents, and the state by referring to Lewis Hochheimer's book, A TREATISE ON THE LAW RELATING TO THE CUSTODY OF INFANTS (1887).] 'It may be considered as the settled doctrine in American courts that all power and authority over infants are a mere delegated function, entrusted by the sovereign state to the individual parent or guardian, revocable by the state through its tribunals, and to be at all times exercised in subordination to the paramount and overruling direction of the state.' (Emphasis added.)

Ex parte Powell, 6 Oklahoma Criminal Court of Appeals 495, January 11, 1912.

Upon being convicted of burglary, John Powell, aged 14 and without parents or relatives, received a sentence of two years in the State Training School for Boys. This case was instituted by the State Commissioner of Charities and Corrections, who

The Death Of Politics

By Karl Hess

Politics, throughout time, has been an institutionalized denial of man's ability to survive through the exclusive employment of all his own powers for his own welfare. And politics, throughout time, has existed solely through the resources that it has been able to plunder from the creative and productive people whom it has, in the name of many causes and moralities, denied the exclusive employment of all their own powers for their own welfare.

Ultimately, this must mean that politics denies the rational nature of man. Ultimately, it means that politics is just another form of residual magic in our culture—a belief that somehow things come from nothing; that things may be given to some without first taking them from others; that all the tools of man's survival are his by accident or divine right and not by pure and simple inventiveness and work.

Politics has always been the institutionalized and established way in which some men have exercised the power to live off the output of other men. But even in a world made docile to these demands, men do not need to live by devouring other men.

Politics does devour men. A laissez-faire world would liberate men. And it is in that sort of liberation that the most profound revolution of all may be just beginning to stir. It will not happen overnight, just as the lamps of rationalism were not quickly lighted and have not yet burned brightly. But it will happen—because it must happen. Man can survive in an inclement universe only through the use of his mind. His thumbs, his nails, his muscles and his mysticism will not be enough to keep him alive without it.

applied for a writ of habeas corpus, seeking to remove Powell from the school. It became necessary for the Court to review the statutory provisions relating to juvenile delinquents in Oklahoma. It observed that in the United States "the fundamental doctrine upon which governmental intervention in all such [juvenile] cases is based is that the moment a child is born he owes allegiance to the government of the country of his birth, and is entitled to the protection of the government for his person, as well as his property. ... The authority of all guardians is derived from the state; ..."

Prince v. Commonwealth of Massachusetts, 321 US 158, January 31, 1944

This case originated in a clash between the Jehovah's Witnesses and the State of Massachusetts. The legislature had passed a law which prohibited children from selling magazines. It was designed to prevent Jehovah's Witnesses from having their children distribute the "Watchtower" publication. Sarah Prince had been convicted of violating Massachusetts' child labor laws, and she appealed to the Supreme Court of the United States on the basis that her religious freedoms, under the First Amendment, had been violated by the State. The Supreme Court upholding her conviction, set forth part of its reasoning in the following comments:

Previously in *Pierce v. Society of Sisters*, 268 US 510, 45 S. Ct. 571, ... [see reference to this case in my article "Bad or Worse!, THE VOLUNTARYIST, October 1992] this Court had sustained the parent's authority to provide religious with secular schooling, and the child's right to receive it, as against the state's requirement of attendance at public schools. ... It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder. *Pierce v. Society of Sisters*, supra. And it is in recognition of this that these decisions have respected the private realm of family life which the state cannot enter.

But the family itself is not beyond regulation in the public interest, as against a claim of religious liberty. And neither rights guard the general interest in youth's well being, the state as parents patriae may restrict the parent's control by

requiring school attendance, regulating or prohibiting the child's labor, and in many other ways. ... [T]he state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare, and this includes, to some extent, matters of conscience and religious conviction. (Emphasis added.)...

The state's authority over children's activities is broader than over like actions of adults. This is peculiarly true of public activities and in matters of employment. A democratic society rests, for its continuance, upon the healthy, well-rounded growth of young people into full maturity as citizens, with all that implies. [What should they be—obedient, tax-paying slaves and conscripts?] It [the state] may secure this against impending restraints and dangers, within a broad range of selection.

Ex part Walters, 221 P.2d 659, Criminal Court of Appeals of Oklahoma, June 28, 1950.

This case extensively quotes *Ex parte Powell*, one of the earlier Oklahoma citations found above. It prefaces these quotes by remarking that, "Thus it will be found that this court has for some forty years been committed to the thesis that the state has a paramount interest in the child. And why should this not be? Is it not for the common good? Aristotle, the Greek Philosopher, hundreds of years prior to the modern dictators who for selfish, sinister ends, though proclaimed for the common good, have made such effective use of the idea, said, 'All who have meditated on the act of governing mankind have been convinced that the fate of empires depends on the education of youth'."

* * *

Without a doubt statist case law demonstrates that the State claims that it owns the children. Although there may be cases to the contrary (we'd like to see them if there are any), John Singer was certainly right when he asserted that the state wants the parents to bear the cost of raising the children, so that the state can then take the children, brainwash them, and have them as loyal supporters.

The implications arising from the principle that the State owns the children are astounding. Note, that if the state owns the children, then it must own the adults into which the children mature. Although there may be no court rhetoric to this effect, all the actions of the State, from taxation to military conscription of adults reinforces this conclusion. Second, if the State owns the children, then adults should be required to have not only marriage licenses, but permission from the State before they bear children. Why should unapproved couples be allowed to procreate? Soon, the State will not only grant permission to have children, but will tell couples how many children to have. Bearing children and having a family become privileges granted only at the sufferance of the State. Third, comes licensure of all birth attendants and the places where births may take place. If your home is not approved by the State, you may not have a home birth, any more than you may home school your children if the State does not approve. If the state owns the children, it must be able to keep track of when, where, and how they are born. (Current birth registration laws are but a partial attempt to do this.) As Blair Adams puts it,

This desire for control over childbirth has *nothing* to do with considerations for the health and safety of the mother or child. As always it has everything to do with the power of the State and its desire to establish total control over, its ownership of, the lives of our children and of everyone else as well. ... The day rapidly approaches that will designate as a crime the birth of children anywhere outside State-controlled and State-sanctioned institutions, just as today many states have designated as criminal the education of children outside of such institutions.

It has been repeatedly shown, although State rhetoric denies it, that State solicitude for children originates not from any genuine concern for the children, but rather from the State's desire to achieve "order, stability and control." The State's primary concern is always not the condition of children's lives, but in expanding State control. "Control, not quality, has become

"[C]hange, when it comes, will amount to nothing less than a grassroots revolution. It won't flow from the top down, but from the bottom up. ... What matters ultimately in the culture wars, is what we do in our daily lives — not the big statements that we broadcast to the world at large, but the small messages we send through our families and our neighbors and our communities. And those small messages, reinforcing each other from every direction, can become a powerful enough force to change the world. The future of America will depend on not so much the movers and the shakers in the centers of power, but on the hopes that we generate in our own communities, our schools, our churches, synagogues, and families. What we do there will count for even more, in the long run, than what they will do in Washington."

—Michael Medved, PBS Film Critic in IMPRIMIS, February 1991

the essential rationale behind" all sorts of State compulsion. In the case of education, the State maintains a double standard. Its own efforts to educate via the public schools is an admitted failure. Parents of homeschoolers have excelled at training their children. Rather than trying to curtail homeschooling, one would think that the State would logically try to encourage it. More students at home would take some of the burden off the State system, and would result in an improvement for those taken out of public schools. So why does the State want to regulate and curb homeschooling? Obviously there are vested economic interests which oppose homeschooling (teachers, unions, etc.). But state opposition to unfettered homeschooling is more than a question of economics. It is a question of control and legitimacy. As Blair Adams explains,

(T)o proclaim a people free to choose their own government but then to insist that the government determine, through a government-controlled compulsory educational system, the very attitudes and values by which the people will choose becomes the most insidious and pernicious form of tyranny: it gives the people the *illusion* of freedom while all along controlling them through a form of governmental programming.

There is little doubt that the State will do everything in its power to maintain its supremacy. We have seen how State personnel murdered John Singer for no other reason than he would not "bow down to Caesar." A year and a half after his death, the judge who issued the contempt citation against Singer, finally terminated his jurisdiction over the Singer family. "The freedom that we've been fighting for has finally come through," declared Vickie Singer. "But it's very ironic, to say the least, because now I'm teaching my kids the same way that John and I did before he died, and I think the State knows it. But all they wanted to do was show us, and show the people, that if anybody tried to come against the system, watch out because this is what can happen to you. And I think they tried to use John and me as an example." (p. 216)

So there you have it. As long as the omnipotent cult of the State exists the State will attempt to control the children. Homeschooling, as the State has already recognized, contains an explosive and potential force for change, possibly away from statism in the direction of voluntarism. If there is to be a change, it must originate within the individual, and must proceed from individual to individual. Homeschooling certainly follows this method. There can be no mass conversions. Only as the philosophy of voluntarism is passed down from father to son, from mother to daughter, will the situation change. "If one takes care of the means, the end will take care of itself." ▣

"Force is no remedy. You cannot conquer ideas with bullets."

Philosophy of Immunization

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other words, it will be done whether he likes it or not. Moreover, the State has so arranged circumstances that nearly none of the victims object. Ninety-eight percent of all persons immunized under compulsory immunization laws never object! They don't know how! They don't know that they can! They don't know that they might want to, or why!

When people object you need to have policemen there to force them and/or build jails to coerce them. Hence, obtaining the voluntary sanction of the victim through proper psychological warfare techniques is by far the most cost-effective method of controlling people or, as the State likes to refer to them, "political animals".

There rages in the medical community controversy over the effectiveness of vaccines, yet they are still compulsory. The argument of compulsion saving any life, anywhere, ever, can be nullified with the same simple fact that it was not the medical community with its state-of-the-art technologies, medicines, or vaccines which has made a significant difference in the lives of mankind as a whole. It was not even the advent of chiropractic or any of the other alternatives which mankind has found to help, that have made the greatest difference. All of these things help individuals, and therefore mankind as a whole, when needed, to some degree or another.

These accomplishments, while very important to the affected individual, pale when viewed first from a global perspective, and second when viewed in comparison to what has been done for individuals and mankind as a whole by the free market. Only once in recorded history have men tried to live free and for only a short time at that. But when they did and to the degree that they did, their standard of living skyrocketed, concomitantly so did their health, life span and numbers (population).

In the words of a noted scientist and developer of one of the vaccines in question, Dr. Albert Sabin is quoted as follows:

"Life expectancy at birth jumped from 36 years in 1776 to 72-plus in 1976. Most of the change has occurred since 1900. We have determined that medical advances have not really caused this great change," he remarked. "It's the tremendous advance in our standard of living in the United States which has improved housing conditions, sanitation, hygiene, diet and agricultural production. Give me a choice between providing everybody with sufficient nutritious food and giving them fancy medicines and vaccines, and I would take the sufficient food."

While there are often paradoxes within the paradigms which are presented in order that the universe be understood, this is not such a case. Either men will live better and longer through compulsory vaccination programs or they won't. Conversely stated either men will live better and longer as a result of freedom and liberty or they won't. No room for paradoxes here: men live and die as a result of which philosophy they choose, the correct one leads to all the wonders of human life, the incorrect one leads to all the pain, suffering and ugliness of dead and dying humans. ▣



The Philosophy Of Immunization

By Mark Moyers, D.C.

By the time that the year 1984 came and went, the powers that be had convinced the "masses" that George Orwell's prediction of "Big Brother" had been nothing but fantasy. Orwell had said that the State would control people by controlling their thoughts—by way of language destruction, language pollution, and word-meaning reversals. Orwell painted the future with definition changes such as "Ignorance is strength," and "Freedom is slavery." I don't believe he ever focused on the contradictions inherent in **compulsory immunization**, so I would like to do so now.

The word "immunization" is used to describe an injection of a substance which is intended to make a person free from the necessity of fighting a disease. "Immune" was borrowed by the scientific community from the political community. A Latin word, derived some 4000 years ago, immune meant "free from obligation or duty to the city or public". "Immune" was a political word used to describe a particular status of an individual.

When the scientific community began to use it, it had a similar basis with regard to disease, yet no thought of a political reference was apparent. Within a hundred years after the development of immunizations, they became compulsory (as a matter of law) for all children attending public schools. Here was "compulsory freedom" long before Orwell ever thought of mind control.

As in many cases, the State has successfully obtained the sanction of the victim. The most sacred of all ownership rights is your freely granted permission to do to your body or your property what someone else wishes to do with it. By discouraging a person to reflectively think about, and therefore understand, the meaning of compulsory immunization laws, the State has kept from that person (better known as the victim) the simple fact that this form of "freedom"—compulsory immunization—will be done to him over his objection and against his will. In

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Who We Are And Why We Are The Way We Are

It has occurred to me that an interesting topic would be to explore the background of some of our subscribers, and to discover what event or catalyst served as the impetus for their interest in voluntaryism. To this end, I would like to encourage readers to submit brief biographical data and short descriptions of how they became interested in the philosophy of voluntaryism.

I'll begin by offering the following information about myself.

Name: Carl Watner

Age: 44

Family status: Married, with 3 children—ages 6, 3½, and 10 months

Education: High school + 1½ years college

Occupation(s): Manage a feed mill for the production of animal feeds

Hobby(s): Writing and research

Favorite Book(s): Martin Gray, *FOR THOSE I LOVED* (1972)

How I discovered voluntaryism: I learned of Ludwig von Mises, *THE FOUNDATION OF ECONOMICS EDUCATION*, and Ayn Rand's *ATLAS SHRUGGED* in 1963. Correspondence in 1969, with Morris Tannehill, co-author of *THE MARKET FOR LIBERTY*, convinced me that an all-voluntary society was both practical and moral. I largely credit my mother and father for instilling within me a deep respect for the values of independence and honesty.

If you are interested in submitting information for this column, please send it to *THE VOLUNTARYIST*. Indicate if you wish your name and address (or name only) published. ☒

"The truth shall make you free, but first it will make you miserable."

—Barry Stevens

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