The Voluntaryist

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Slavery, One Day at a Time: Jury Duty and Voluntaryism

By Carl Watner

Introduction

After being summoned for jury service in January 2016, I became interested in the origin and history of compulsory jury duty. How long had this practice existed? Where did the idea originate that one could be compelled to be a juror? What I discovered is that historians do not have a hard and fast answer to these questions. Some of them identify jury service as an ancient practice, going back at least 1,000 years to the Germanic-Frankish tribes of Europe. Others see it beginning in England, where the jury appears to have begun as a royal institution imposed by the Norman conquerors beginning in 1066. Officers of the early English kings conducted inquests in which local residents were required to participate. It is clear, however, that "the entire system depended upon coercion." Jurors in medieval England were never volunteers. "They were compelled to appear, compelled to swear, and compelled to remain until their duty was done." [1] The violence and threats exercised upon them still manifest themselves in the 21st Century United States under the guise of compulsory jury service. But even more than that, I came to the realization that the entire American judicial system, including the jury, is based on coercion. All the salaries of personnel (judges, clerks, jurors, marshals, police, maintenance men, etc.) are paid for by taxes; all the resources they use are funded by taxes; jurors are ordered under threat of fine or prison, or both to appear when summoned. Jurors are compelled under threat of contempt to reveal their personal lives and biases in the event that a defense or plaintiff attorney may want to exclude them from serving. In sum, the whole system is fraught with coercion from beginning to end.

Furthermore, just like the present-day democratic state's electoral system, the jury system was crafted to capture the participation of subjects in a way that made them think they were honorably and legitimately serving both their community and their king. This both softened and legitimized the coercive aspects of jury duty. Just like the electoral system of today, the jury system historically involved local people in the decision-making processes. The early English kings lacked the resources to create a body of paid officials capable of reaching and enforcing judicial decisions. Consequently, they "cultivated the goodwill and support of their subjects" by relying upon local juries. "By giving jurors a stake in how the verdict was reached," it "gave them a stake in seeing that the verdict stuck" when the king's judges left their shire. [2]

Even though their participation was required, the medieval Englishmen had a great faith "in the ability of jurors to reach fair decisions." [3] The jury system was extremely popular: it was considered the voice of the local community speaking the truth. However, the king and his officials also had a vested interest in creating such a community sentiment. The jury system "effectively married the widespread popular belief that juries were fair and reliable, with the interest of kings and royal administrators … . The jury system worked because it was seen as a legitimate exercise of royal authority; its success depended on the willingness of people - lots of people": peasants, landowners, and knights - "to cooperate with the king's demand for service." [4] Once again, the legitimacy of the decision-making process rose to the fore. Goodwill and support had to be earned. The jury system made this possible.

Historical Overview

Historians are not agreed upon the actual origin of the jury, shrouded as it is in the mists of ages gone by. Prior to the Norman invasion of Britain, what is now called the jury may have originally consisted of gatherings of local folks (hence the term 'folk law') to resolve disputes among their neighbors. What we now refer to as the common law was a description of the customary ways that governed how community members and neighbors spontaneously and voluntarily adjusted their differences and settled disputes. [5] After the defeat of the British tribes, William the Conqueror and his successors began empanelling inquests in order to regulate and adjust the customary rights of the people, the church, and the Crown. One may conclude that some mix of these two possible origins is the best answer of where and how the jury originated.

Frederick Pollock and Frederic Maitland, well-respected 19th Century legal historians, described the jury "as a body of neighbors summoned by a public officer to answer questions upon oath." They trace its origin back to the ninth century. "In 829AD the Emperor Louis the Pious, successor of Charlemagne, directed that thereafter royal rights should be ascertained not by witnesses produced by the parties interested but by the sworn statement of the best and most credible persons in the locality. At that time the rights of the crown rested in custom" and that custom was "to be declared by twelve neighbors upon their oath." [6] Pollock and Maitland, and another 19th Century German historian, Heinrich Brunner realized the jury was "intimately connected with royal power." [7] As Brunner saw it, "the jury as it

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Potpourri from the Editor's Desk

No. 1 **"On Convincing Others to Obey the Two Laws"**

The Two Laws

Do all you have agreed to do.

Do not encroach on other persons or their property.

These are the two laws that make civilization possible.

Lacking the courage to become a hermit, I try to do my part by writing ... because, at bottom, nearly all "public affairs" problems are ones of character. If the vast majority of individuals obey the two fundamental laws that make civilization possible, life will grow better. If not, life will grow worse. Whatever else is done will not matter much.

I am convinced it is that simple. I like Henry David Thoreau's remark, "The fate of the country ... does not depend on what kind of paper you drop into the ballot-box once a year, but on the kind of man you drop from your chamber into the street every morning."

In other words, living in this sea of corruption, the only reasonable, ethical course is to do something to convince our friends, neighbors and families to obey the two laws, both in their private lives and politics. This is why I write the Uncle Eric books ... .

- Rick Maybury, EARLY WARNING REPORT, June 2003.

No. 2 **"The Rattlesnake As a Symbol of Natural Liberty"**

After the fighting began at Lexington and Concord in 1775, "the solitary rattlesnake" came to symbolize "liberty of a special kind. The motto summarized it in a sentence: 'Don't tread on me.' This was the only early American emblem of liberty and freedom to be cast in the first person singular. Here was an image of personal liberty, … much like other backcountry expressions of liberty. The leading example was Patrick Henry's famous cry: 'Give me liberty!'

"It also warned the world, 'Leave me alone, let me be, keep your distance, don't tread on my turf.' This was an idea that had strong appeal to settlers in the American backcountry, and especially to settlers who came from the borders of North Britain. These people came from northern Ireland, the marshes of Wales, the Scottish lowlands, and the six northern counties of England. They differed in ethnicity and religion but shared a common history and culture that had developed in the borderlands.

"For nearly a thousand years, they had lived between warring governments that turned their land into a bloody battleground. They had long been victims of incessant violence and brutal oppression. Liberty for the borderers meant a life apart from cruel rulers and the right to manage their affairs in their own way. Sometimes they called this idea 'natural liberty.'

"The British borderers brought to America a fierce attachment to liberty, which they understood in that special way. Natural liberty meant the right of individual settlers to be left alone, especially by governments who had brought them nothing but misery and exploitation. … [T]he image of the singular rattlesnake made a perfect symbol for a highly articulated vision of liberty as the right to be free from government, and to live apart from others, and to settle differences in one's own way.

"A[s a] writer in the PENNSYLVANIA JOURNAL [Dec. 27, 1775] explained, 'The rattlesnake is solitary, and associates with her kind only when it is necessary for preservation.' He added that the rattlesnakes eye[s] … 'ha[ve] no eyelids. She may, therefore, be esteemed an emblem of vigilance.' He added that the rattlesnake 'never begins an attack, nor, once engaged, ever surrenders. She is, therefore, an emblem of magnanimity and true courage.' Moreover, he argued, that a rattlesnake 'never wounds till she has generously given notice, even to her enemy, and cautioned him against the danger of treading on her'."

- David Hackett Fischer, LIBERTY AND FREEDOM (2005), pp. 80-82.

[For a corroboration of this view, see THE VOLUNTARYIST, Whole Number 128 (2006), page 8, "The South Carolina Backcountry Folk Would Like To Be Left Alone."]

No. 3 **"Confusion Over the Concept 'Anarchy'"**

There are two radically different concepts - society *without* government and society with a *bad* government - which have been united by the same linguistic symbol, the same hellish word: "anarchy."

The word "anarchy" refers to a kind of society: a society without government, or state. This is a description, not an evaluation. To describe a *society* as anarchistic means that social order exists in some fashion and to some degree without government, for this is implicit in the meaning of "society," but it does not tell us anything more specific.

An anarchistic society may be primitive or advanced, violent or peaceful, just or unjust, desirable or undesirable. The anarchist does not endorse every

manifestation of anarchy, any more than the defender of government endorses every kind of government.

To determine the nature of a good anarchistic society is the business of anarchism, which is a *theory* of social order without government. This distinction between anarchy and anarchism is crucial. The former denotes a society, any society, without a state, whether good or bad. The latter denotes a particular point of view - a defense and justification of the good society which includes, as a fundamental pre-condition, the absence of a state. As stated previously, not every form of anarchy is acceptable to the advocate of anarchism. To eliminate government may remove a major source of injustice and violence in society, but this does not mean that justice and social order will automatically fill the void. In other words, anarchism regards the absence of government as a *necessary but not sufficient* condition of an ideal society.

To summarize: "anarchy" is a *negative* term that refers to a social *condition* - the absence of government. "Anarchism," in contrast, is a *positive* term - a *theory* of justice and social order that rejects government for moral, economic, religious and/or social reasons. Anarchism is a theory about what *ought* to be, not merely a statement about what is.

We can now approach the meaning of "anarchist," the third term of our trinity. As indicated previously, the anarchist, *qua* social philosopher, subscribes to a theory of anarchism, but he does not necessarily endorse all types of anarchy. The rejection of government is not a premise from which the anarchist begins; it is a conclusion based on various ideas about human nature, moral values, social order, institutions, and political power. The label "anarchist" refers to a person who rejects government, but it does not indicate *why* a person rejects government, nor does it specify what the anarchist *means* by "government," nor does it suggest *what* an anarchistic society would look like (its values, institutions, and so forth), nor does it indicate *how* or *when* an anarchistic society can be brought about (if at all). Many variables and permutations are involved here, which lead to radically different kinds of anarchism. To refer merely to a "society without government" tells us nothing about what that society should look like.

- George H. Smith, Introducing ANARCHISM & JUSTICE, by Roy A. Childs, Jr., Part 3 from libertarianism.org, October 2, 2012. V

Slavery, One Day at a Time

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entered English law was in all essential respects a royal institution. The [jury] did not grow up from village assemblies but down from the power of the crown." [8]

Other historians trace the jury back to the inquests of the medieval English kings. "[T]he inquest was one of the principal means by which the monarchy developed a centralized government in England." It was typically initiated by "some official on the authority of the crown" who called together a group of men from the same locality "to reply under oath to any inquiries that might be addressed to them." The inquest was considered to be the representative verdict of the neighborhood with regards to land ownership, feudal obligations, and any other disputed question of local fact. As Leonard Levy concluded in his book, THE PALLADIUM OF JUSTICE: ORIGINS OF TRIAL BY JURY: "What was once only an administrative inquiry became the foundation of the jury of accusation and the jury of trial in both civil and criminal matters." [9]

Harold Berman in his book, LAW AND REVOLUTION, connects the origin of the inquest to the Frankish emperors and kings of the eighth century. From that time on, itinerant royal administrators summoned neighbors to answer questions of local import. Among the prerogative rights preserved by the Frankish kings after the fall of Rome was the imperial inquest system, which operated on the principle that whatever information was needed to maintain a strong and efficient government must be given under oath to royal agents." [10] The Normans took over this practice from the Franks. Berman refers to the mammoth inquest undertaken by William I after he conquered England. This was conducted neighborhood by neighborhood, and required public disclosure of all landholdings and tax assessments, the whole census being recorded as the Domesday Book (1085-1086). Berman also comments that other customary tribal practices influenced the development of trial by jury. "Apart from the Frankish and Norman sworn inquest conducted by royal officials, the occasional practice of submitting disputes to a group of neighbors for decision was also a feature of Germanic local law. In addition, church courts in the twelfth century occasionally put questions of guilt or innocence to groups of twelve; and Henry II's father, Geoffrey of Anjou, made trial inquest available for important civil cases in Anjou and Normandy. The idea of summoning a group of people - twelve was considered an appropriate number and perhaps even a magic number - to give information under oath in a solemn proceeding, and even to give judgment in a case, was by no means new (though it was not widely practiced) when Henry came to the English throne" in 1154. Berman observes that the idea of the royal inquest "was to compel people to inform on one another." [11]

Another historian, D. A. Crowley, connects the compulsion we find in current day jury duty to the frankpledge and tithing groups. According to the author of "Frankpledge" in Wikipedia, "Frankpledge … was a system of joint suretyship common in England throughout the Early Middle Ages." Crowley points out that "King Cnut [995-1035] made tithing membership compulsory for every free man [in England] over twelve and adequate surety compulsory for all men. … The system envisaged … was one in which membership was required of all males over twelve whose status in society was not sufficient surety for their good behavior." "The essential characteristic was the compulsory sharing of

responsibility among persons connected through kinship, or some other kind of tie such as an oath of fealty to a lord or knight." [12] These men were joined together in groups of approximately ten households, which were then called tithings. The function of the tithing was threefold: 1) it served as a pledge for the appearance of its members in court; 2) the tithing had to pursue and capture thieves; 3) lastly the tithing had court duties, such as paying fines of its members and producing evidence. The chief pledge or tithing-man, was responsible for producing any man belonging to his tithing that was suspected of a crime. "If the man did not appear, the entire group could be fined." [13] By "the twelfth and early thirteenth centuries, English kings had developed a system of governance based on frankpledge and the inquest that required individuals and communities to provide unpaid service for the operation of the royal courts, administration, and army." For example, "landowners [and knights] were obliged to serve on juries and hold judicial offices" such as sheriff and bailiff. [14] Fines and penalties, known as amercements, were imposed on those who refused to serve, and on others who refused to appear as jurors.

Thus it is possible to say that when the frankpledge group and the royal inquest of medieval England met each other, their combination and interaction spawned the modern-day jury. James Masschaele in his book, JURY, STATE, AND SOCIETY IN MEDIEVAL ENGLAND notes that juries "were a core part of the process of state formation. In medieval England, as in most of Europe, the power of the state was" largely felt "through the operation of the courts … . Jury service constituted one of the state's biggest demands and one of the most intense forms of local involvement with the state." [15]

Palladium of Liberty or Tool of the State?

Historians, for the most part, have been oblivious to the coercion that is inherent in the judicial system and jury. They have called the jury the palladium of liberty, ignoring the fact that jurors were under compulsion to serve. To the best of my knowledge, the first libertarian to identify the coercive feature of jury duty was Murray Rothbard. In his book, FOR A NEW LIBERTY, he wrote "There is little difference in kind, though obviously a great difference in degree, between compulsory jury duty and conscription; both are enslavement, both compel the individual to perform tasks on the State's behalf and at the State's bidding. And both are a function of pay at slave wages." [16] Referring to military service, but equally applicable to jury duty, Milton Friedman described these types of conscription as "a tax in kind - forced labor from" people "who serve involuntarily." [17]

Nevertheless, the justices of the Supreme Court of the United States have held to the contrary. They have refused to classify jury service and military conscription as forms of slavery, which if such were the case would make them subject to the Thirteenth Amendment, which prohibits all forms of involuntary servitude except as punishment for crimes committed. In the case of Butler v Perry (240 US 328) decided in 1916, a majority of the justices recognized that "tenants in Anglo-Saxon England had a threefold obligation …: the so-called 'common burdens' of military service, fortress work, and bridge repair." [18] "Ancient usage and unanimity of judicial opinion justify the conclusion that, unless restrained by constitutional limitations, a state has inherent power to require every able-bodied man within its jurisdiction to labor for a reasonable period on public roads near his residence without direct compensation." This "does not amount to imposition of involuntary servitude … nor does the enforcement of such a requirement deprive persons of their liberty and property without due process of law in violation of the Fourteenth Amendment." The Court held that the Thirteenth Amendment "introduced no novel doctrine with respect to services always treated as exceptional, and certainly was not intended to interdict enforcement of those duties which individuals owe to the state, such as services in the army, militia, on the jury, etc. The great purpose in view was liberty under the protection of effective government, not the destruction of the latter by depriving it of essential powers." [19]

On Being a Good Neighbor

So given the voluntaryist objection to compulsion, what obligation, if any, does the citizen have to his neighbors and community? If two of my neighbors are having an argument do they have the right to compel or conscript me into becoming their arbitrator and force me to decide on the merits of their disagreement? If they are having an argument, do they have the right to compel me to testify? I think it is safe to say from this perspective, that my neighbors do not have the right to force me to attend to their dispute. Who would want an arbitrator that had to be coerced into making a decision? What kind of decision could be expected from such a person? Wouldn't he be biased against both their positions, if for no other reason than that they forced him to be involved?

On the other hand, though, is there not something to be said for being a good neighbor? Do we find these kinds of enforced obligations in customary and non-state societies? Apparently so. Michael van Notten, author of THE LAW OF THE SOMALIS, noted that "landowners have certain obligations to the clan, in particular to help defend the clan's territory against bandits and raids from neighboring clans. They are also supposed to work on the communal lands and wells, practice charity, engage in guus [cooperate in making improvements that would be beneficial to the community], assist in providing justice, etc." Similarly, "most families have a welfare fund into which all individual members are required to contribute. … An individual unwilling to do so is always free to leave and set up on his own somewhere else. But he cannot stay in the extended family, enjoy all the protection it offers, and refuse to make a contribution. If he doesn't do so voluntarily, family members are entitled to go to court and compel him." [20]

Moreover, "Somalis are not free to decide whether or not to insure themselves;" their customary law obliges them to do so. "A family is free to terminate its insurance of a member who repeatedly violates the law. … When this happens, the person becomes an outlaw and must leave the jilib [the family's surety group] … ." This inevitably means he must leave his clan's territory. Since he is no longer insured by the family he cannot expect the benefits derived from being part of the family and clan. Every Somali is free to leave his clan, so long as he is willing to bear the consequences. There is no power to stop a clansman from leaving his judicial unit, the jilib. However if a Somali were to leave his clan group, he would forfeit whatever protection it offered, and he would be on his own with no protection from bandits, accidents, or catastrophes. Such a person "could be killed on sight by anyone, with impunity," since he would have no family or surety group to protect him. [21]

It is evident that in non-state societies most people would generally be eager to belong to a surety group or protection agency that would look out for their best interests. In return there would be certain obligations they would have to meet. They might have to perform certain types of community service or pay a monetary fee to be protected. However, they would not be forced to do so. How would this play out in our modern day society? No one can know for sure, but dissidents and refuseniks would probably be restricted in their interactions with those who were insured. Conscientious objectors would have their rights respected, but they would also have to suffer the consequences of 'going it alone.'

Looking at it from this point of view, our political governments have taken the activity of helping others resolve their disputes peacefully and turned it into an institution which people are forced to support. They are forced to serve as jurors or witnesses; they are forced to contribute to the salaries and upkeep of the people and resources used to operate such a system. As in most other similar situations, the voluntaryist does not object to the resolution or mediation of disputes. What the voluntaryist objects to is the use of coercion to support such activities. The voluntaryist opposes government jury service not because he objects to being a juror but because he opposes being a government juror. The voluntaryist objects to all political government, including that government's involvement in judicial activities. The voluntaryist objects to the coercion that sustains the entire judicial system; not the social institutions that would evolve in the absence of the state to settle legal issues. [22]

Voluntaryists realize that the jury is a government institution that probably evolved out of tribal custom and the inquests of the Norman conquerors of England. The jury was used to obtain people's support for their government. Today some libertarians urge jury participation as a means of combating bad laws. Based on legal precedents not discussed in this paper, the Fully Informed Jury Association encourages jurors to decide the law according to what they think is right. A well-known advocate of jury nullification claims that "a citizen … conscripted into serving his government, should be entitled to make the presumption that his government would not require him to participate in an injustice." [23] However, this view is wrong. The citizen is already being required to participate in what is essentially a coercive judicial institution. Voluntaryists cannot recommend such participation, but they do recognize the value of volunteering to help judge a case when their community and neighbors may benefit from it. Government conscription of jurors is already an injustice. It is impossible in the nature of things for an injustice to result in justice. Compulsory jury service, no matter how long it lasts - whether one day at a time or one trial at a time - is still slavery, even if it would seem to negate or mitigate the disastrous results of government law.

End Notes

[1] David J. Seipp, "Jurors, Evidences, and the Tempest of 1499," in John W. Cairns and Grant McLeod (editors), "THE DEAREST BIRTH RIGHT OF THE PEOPLE OF ENGLAND" THE JURY IN THE HISTORY OF THE COMMON LAW, Oxford: Hart Publishing, 2002, pp. 75-92 at p. 79.

[2] James Masschaele, JURY, STATE, AND SOCIETY IN MEDIEVAL ENGLAND, New York: Palgrave Macmillan, 2008, p. 66.

[3] ibid., p. 118.

[4] ibid., p. 205-208.

[5] Spencer Heath, "Origin of the Jury from Earliest Times," Item 621 in the Spencer Heath Archive. Random taping by Spencer MacCallum from conversation with Heath, November 10, 1955.

[6] "Jury," Volume 8 ENCYCLOPAEDIA OF THE SOCIAL SCIENCES, New York: The Macmillan Company, 1959, pp. 492-493.

[7] Sir Frederick Pollock and Frederic William Maitland, THE HISTORY OF THE ENGLISH LAW, Volume I, Second Edition, Cambridge: At the University Press, 1968, p. 140. The First Edition appeared in 1895.

[8] Lloyd E. Moore, THE JURY: TOOL OF KINGS - PALLADIUM OF LIBERTY, Cincinnati: Anderson Publishing Co., Second Edition, 1988, p. 19. The First Edition appeared in 1973.

[9] Leonard W. Levy, THE PALLADIUM OF JUSTICE: ORIGINS OF TRIAL BY JURY, Chicago: Ivan R. Dee, 1999, pp. 7-9.

[10] Bryce Lyon, A CONSITUTIONAL AND LEGAL HISTORY OF MEDIEVAL ENGLAND, New York: W. W. Norton, 1980, Second Edition, p. 183.

[11] Harold J. Berman, LAW AND REVOLUTION, Cambridge: Harvard University Press, 1983, pp. 448-449 and p. 451.

[12] "Frankpledge," from Wikipedia, the free encyclopedia. See www.en/wikipedia.org/Frankpledge, and D. A. Crowley, "The Later History of Frankpledge," 48 BULLETIN OF THE INSTITUTE OF HISTORICAL RESEARCH (May 1975), pp. 1-15 at p. 1.

[13] "Frankpledge," from Wikipedia, and Lyon, op. cit., pp. 196-197. Also see William Alfred Morris, THE FRANKPLEDGE SYSTEM, New York: Longmans, Green, and Co., 1910, p. 11 and 37.

[14] Scott L. Waugh, "Reluctant Knights and Jurors: Respites, Exemptions, and Public Obligations in the Reign of Henry II," 58 SPECULUM (October 1983), pp. 937-986 at p. 962.

[15] Masschaele, op. cit., p. 6.

[16] Murray Rothbard, FOR A NEW LIBERTY, New York: The Macmillan Company, 1973, p. 99. This quote appears in Chapter 5, "Involuntary Servitude," in the section headlined "The Courts." Another earlier libertarian, Benjamin Tucker noted in his book, INSTEAD OF A BOOK, reprinted New York: Haskell House Publishers, 1969 : "Jury service (ought) not to be compulsory, though it may rightfully be made, if it should seem best, a condition of membership in a voluntary (judicial) association." His comments originally appeared in LIBERTY, Issue 68, October 24, 1885, p. 4.

[17] Milton Friedman being quoted by James A. Dorn, "Abolish Jury 'Draft'," Printed from Cato.org. Dorn's article first appeared in the BALTIMORE EXAMINER, July 24, 2006.

[18] "Fyrd" from Wikipedia, the free encyclopedia. See the following

explanation from www.en.wikipedia.org/wiki/Fyrd. "The Germanic tribes who invaded Britain in the fifth and sixth centuries relied upon the unarmored infantry supplied by their tribal levy or fyrd … . The fyrd was a local militia in the Anglo-Saxon shire, in which all free men had to serve. Those who refused military service were subject to fines or loss of their land."

[19] Butler v. Perry, 240 U.S. 328 (1916), pp. 328 and 333.

[20] Michael van Notten, THE LAW OF THE SOMALIS, Trenton: The Red Sea Press, Inc. 2005, pp. 53 and 77-78.

[21] ibid. p. 40. Thanks to Spencer MacCallum for his comments relating to this paragraph.

[22] For more on the importance of the common or customary law see the various authors quoted by Carl Watner, "What Came First - the Chicken or the State?" THE VOLUNTARYIST, Whole Number 151, 4th Quarter 2011. Also see Rothbard, op. cit., on "Police Protection," in Chapter 11, "The Public Sector III: Police. Law, and the Courts." On the ancient institution of arbitration see Carl Watner, "Stateless, Not Lawless": Voluntaryism and Arbitration," THE VOLUNTARYIST, Whole Number 84, February 1997.

[23] Clay S. Conrad, JURY NULLIFICATION, Durham: Carolina Academic Press, 1998, p. 257. Thanks to Dave Scotese for his comments relating to this paragraph. V

Non-Voting

By Carl Watner

In his *On The Duty of Civil Disobedience* (1849), Henry David Thoreau asked:

> How does it become a man to behave toward this American government to-day? I answer that he cannot without disgrace be associated with it. ... What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.

Readers of "Strike The Root" recognize that there are two principal demands that their governments make upon them: pay your taxes and vote. (Of course, there are many other 'demands', such as military service, send your children to school, have a drivers license, etc., but many of these are ancillary to the primary means of government survival, which is the collection of taxes.)

Now, of these two principal demands, taxation carries criminal sanctions: pay your money or we imprison your body and/or confiscate your property. However, as yet in most nations of the world, failure to vote in government elections carries no penalty.

Governments, like all other hierarchical institutions, depend upon the cooperation and, at least, the tacit consent over those whom they exercise power. In other words, government soldiers and police can force people to do things they don't want to do, but in the long run - in the face of adamant opposition - such coercion is either too expensive or too futile to accomplish its goals of subjugating entire populations. It is far simpler to motivate people to do what you want them to do, rather than forcing them to do it by pointing guns at them all the time. As Boris Yeltsin supposedly said, "You can build a throne with bayonets, but you can't sit on it long."

Educating generations of parents and children in government schools and teaching them to be patriotic and support *their* government in political elections is one of the fundamental ways governments garner public support. Citizens are taught that it is both their right and duty to vote. But all this is done with an ulterior motive in mind. As Theodore Lowi, in his book INCOMPLETE CONQUEST: GOVERNING AMERICA pointed out:

> Participation is an instrument of [government] conquest because it encourages people to give their consent to being governed. ... Deeply embedded in people's sense of fair play is the principle that those who play the game must accept the outcome. Those who participate in politics are similarly committed, even if they are consistently on the losing side. Why do politicians plead with everyone to get out and vote? Because voting is the simplest and easiest form of participation [of supporting the state] by masses of people. Even though it is minimal participation, it is sufficient to commit all voters to being governed, regardless of who wins.

Not voting in government elections is one way of refusing to participate; of refusing to consent to government rule over your life. Non-voting may be seen as an act of personal secession, of exposing the myth behind "government by consent." There are many reasons, both moral and practical, for choosing "not to vote," and they have been discussed in my anthology, DISSENTING ELECTORATE. To briefly summarize:

> Truth does not depend upon a majority vote. Two plus two equals four regardless of how many people vote that it equals five.
>
> Individuals have rights which do not depend on the outcome of elections. Majorities of voters cannot vote away the rights of a single individual or groups of individuals.
>
> Voting is implicitly a coercive act because it lends support to a compulsory government.
>
> Voting reinforces the legitimacy of the state because the participation of the voters makes it appear that they approve of their government.

There are ways of opposing the state, other than by voting "against" the incumbents. (And remember, even if the opposition politicians are the lesser of two evils, they are still evil.) Such non-political methods as civil disobedience, non-violent resistance, home schooling, bettering one's self, and improving one's own understanding of voluntaryism all go far in robbing the government of its much sought after legitimacy.

As Thoreau pointed out, "All voting is a sort of gaming, like chequers or backgammon, ... Even voting *for the right* is *doing* nothing for it." So whatever you do, don't play the government's game, Don't vote. *Do something for the right.*

[This article appears at www.strike-the-root.com /node/23564 and was first posted in late December 2009.] V

My Day as a Juror

(Continued from page 8)

trol over you due to the fact that you were born in an area it claims to control, then it is simply a matter of grace - on its part - as to what it allows you to do, to earn, and to keep from your efforts.

In truth and good conscience, and as a voluntaryist, I cannot affirm that I am a citizen of the United States. Why so? I don't want to give my sanction to the United States government. I do not wish to support it financially. I do not wish to participate in political elections. I object to the forced collection of taxes because taxes are a euphemism for stealing. I do not want to be responsible for any of the actions of the United States government. … This is not to say, however, that I do not want to be a vibrant participant in the voluntary sector of the community within which I live. Communities have always existed before governments, and there are many peaceful ways of providing for the demands of society in the absence of the State (private business activity, co-operative societies, religious-supported institutions, and philanthropic efforts, to name just a few).

I therefore humbly request that I be excused from jury service on the basis of my conscientious objections to compulsory jury selection and political government, in general. I would not make a juror which any prosecutor or defense attorney would want judging their case.

Sincerely, Carl Watner

In response, I received the following: "Your request to be excused from jury service has been considered and denied. You are required to serve jury duty as previously summoned."

Inasmuch as my "line in the sand" for cooperating with the Maryland State government was drawn on the far side of jury duty, I duly reported on January 6, 2016 to the Baltimore City Court House on Calvert Street. After passing through the metal detector, I found my way to the Jurors' Waiting Room. About 100 other 'citizens' and I sat around for about an hour before registration began. Jurors were called by their Summons number, at which time I presented my ID and Summons (which they stamped to show I had reported). This was the only time any identification was required and I think the check was pretty perfunctory. I was given a juror's badge (with a juror's number) and I was offered $ 15 for the day's service, which I refused. I then went across the hall where I completed a waiver form, showing I had not accepted payment.

Although some jurors were called in the morning, I sat around till 12:30 p.m. when there was an hour and a quarter break for lunch. I left the building and then returned through security. My group of about 60 jurors was finally called around 2 pm to report to Court Room 226, where Judge Timothy Doory was sitting for a criminal trial. The Clerk of Court called role call (by juror number) from a computer printout. Each juror stood up and acknowledged his or her presence. Two did not respond and were noted as absent. The Judge then spoke to the jurors about giving a fair and impartial decision based on the evidence and his reading of the law. Jurors were then sworn in as a group. The Judge requested that all jurors stand, raise their right hands, and repeat after him, something like: "I swear to tell the whole truth and render a fair and impartial verdict." You were expected to say "I do," and then everyone was seated. It would have been impossible to know whether everyone had responded positively to that statement. I, for one, did not.

The Judge then opened the voir dire questioning of the jurors about their qualifications to serve. This is "the process by which prospective jurors are questioned about their backgrounds and potential biases before being chosen to sit on a jury." The first group of questions was: "Is everyone here an American citizen? Is everyone here over the age of 18? Can everyone here negotiate the steps into the jury box? Anyone who answers these questions 'No' is to stand up." Those jurors who stood up, including me, gave the clerk their juror number and they were so noted on her computer printout. In this first group of questions, there was no way to know which question the juror was answering. Other questions were asked, such as: did any of the jurors know any of the people involved in the case; did the religion of the jurors prevent them from rendering a guilty verdict, would a juror give more credence to the testimony of a police officer than a civilian, etc. I stood up on the religious question, along with several others. After the questions were over, the judge, prosecutor, and defense attorney reviewed the juror numbers of those who stood up. There were about 15 people in this group and they were dismissed from the court room, and sent them back to the Jurors' Waiting Room. I waited there about another 45 minutes and then all the waiting jurors were dismissed for the day. I don't know what happened to those who were impaneled for the Judge's case, although I suspect that they had to return the next day. The Jury Summons plainly stated that each person who was summoned for jury duty would serve either for one day or one trial (however long it lasted). That is why I identified my jury service as "slavery, one day at a time." (See accompanying article on page 1.) V

"All laws and taxes are enforced by the threat of a gun: If you refuse to pay a tax, men will come to your house. If you send them away, they'll return with men with guns. If you tell those men to go away, they'll kick in your door, put a gun to your head, and take you away to a cage."

- Author Unknown

My Day As A Juror

By Carl Watner

My interest in the jury system began in the last half of 2015 when I received a summons from the Jury Commissioner of Baltimore City (MD). The Juror Qualification Form which accompanied the Summons offered several exemptions for being excused from jury duty. Among them were: being 70 years of age or older; having served as a juror in the last year; and not being an American citizen. All exemptions required some sort of official government documentation. The Form also stated that "Any person who fails to report for jury service or submit juror qualification information … may be subject to a fine and/or imprisonment in accordance with Md. Code Ann. CTS. AND JUD. PROC. Art., Sec. 8-503."

In response to the statement on the Form, "I am an American citizen," I sent the following letter:

November 30, 2015
Jury Commissioner
Circuit Court for Baltimore City
100 North Calvert Street # 239
Baltimore, MD 21202

Re: Summons and Juror Qualification Form for Carl Watner, Jury ID 6304885

I have completed the Juror Qualification Form as truthfully as possible, but since I am a conscientious objector to political government, I am submitting this letter to explain my position.

My form of conscientious objection is known as voluntaryism and pacifism which rejects all forms of government. I do not believe it is proper to initiate violence against a peaceful person. This has been a long-standing philosophical position which I have articulated at least since 1982, when I began writing and publishing THE VOLUNTARYIST. See www.voluntaryist.com.

I wrote an article that was published in Issue 157 of THE VOLUNTARYIST, for the 2nd Quarter of 2013, discussing whether or not I was an American citizen. I am attaching the whole article, but am also including excerpts below. You will please note that this article was written more than two years before I received the Jury Summons.

> Generally, according to government interpretation, a person born within the territory of the United States is a citizen of the United States, regardless of that person's desire. You become a citizen at birth, not when you reach adulthood, at age 18 or 21. You do not consent to become a citizen. You do not have any choice in the matter. … All political governments and international law discourage statelessness, which is what one becomes when one renounces one's birthright citizenship and refuses to assume citizenship of another country. But the fact is that all people are born stateless. They certainly have not consented to become a member of any government merely by being born. If a government can unilaterally impose citizenship, then it has already assumed arbitrary jurisdiction over bodies. Perhaps that is why the Jewish zealots said that taxation (a consequence of citizenship) was no better than an introduction to slavery. If the government can assert its con-

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