

The Libertarian

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BANNING CHILDREN'S ADVERTISING

"We must protect our children", declares the Quebec Government's Bill 72. This bill if passed would "protect" all children under the age of 13 by banning television advertising geared for them. Thus Quebec youth would be protected from one of the worst of capitalistic brainwashing techniques — toy advertising. Government opposition to advertising aimed at children appears to be an innocuous form of intervention in the free market. But it is not.

The creation and perpetuation of a totalitarian state does not take place overnight, especially if one starts with a nation of free thinkers. Part of the process of wearing down the resistance of the citizens is to create in them a feeling of inadequacy. The people must be convinced that they are basically helpless and governments are needed to protect them. What dictator or self-ordained do-gooder needs self-sufficient people? Eventually the majority of the people become dependent on their government to solve even the most trivial of problems.

If we allow the type of legislation in Bill 72 to be passed, then perhaps it is already too late. Because by allowing such law to exist, we are confessing that we are helpless to resist the pleadings of tots exposed to hard-sell kiddie commercials. We are conceding that our children are psychologically incapable of surviving the disappointment of discovering that some toys aren't all that they were promoted to be. We are admitting that our children cannot discriminate between a good or bad toy but are instead overpowered by hype. We are resigned to accepting that the next generation will not survive on their own and better be turned over to the state for protection right now.

To live in a free society means to accept the responsibility for one's choices. That responsibility must be learned early in life and exposing our children to TV toy ads should be looked on as a learning aid and not as a social problem. Caveat emptor — let the buyer beware — can be learned early — and cheaply. Nothing will make a child more aware of this than by letting him receive a dud birthday present that he insisted on having after seeing how good it looked on TV. The lesson of having wasted a birthday will linger on forever, making him a more wary consumer in later life.

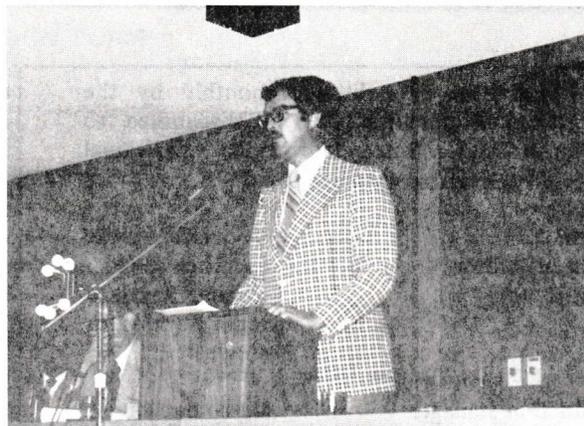
Parent's responsibility for their choices extend to all decision-making in the raising of their children. It must not be delegated. Let us keep the state out of our family affairs and our TV viewing. To do otherwise is just another admission of self-doubt which we cannot afford. For our children's sake, let them have their commercials. Then perhaps someday they will even be wary of government salesmanship and push for truth in advertising legislation applying to political promises.

HALT VICE-PRESIDENT WINS FIRST INCOME TAX SKIRMISH

Walter J. Boytinck, Vancouver lawyer and Vice-president of HALT (Human Action to Limit Taxes), was successfully defended in court December 18 by HALT's lawyers on charges of failing to file 1976 and 1977 Income Tax returns. The summonses issued to Boytinck failed to contain the proper wording of subsection 133(4) of the Criminal Code as required by the Criminal Law Amendment Act of 1975. Mr. Justice MacKenzie of the British Columbia Supreme Court concurred with HALT's lawyers and quashed the summonses, declaring them a nullity.

Boytinck's conflict with the Income Tax Department began in 1977 when his studies of Canadian and British Constitutional Law convinced him of the injustice and

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Walter Boytinck speaking at HALT's founding meeting last summer.

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"Let's Abolish the CRTC! Part 2" by Walter J. Boytinck

A NOTICE TO OUR READERS

In an effort to streamline the management of the Libertarian Foundation, its various activities have been decentralized. HALT, the Bookstore and *The Libertarian* are all independently managed and financed.

The current circulation of *The Libertarian* is about 150. We are running at a loss and this newsletter has been a heavy financial burden on the Foundation. So we have reassessed our policy of distributing *The Libertarian* only to Foundation supporters and selected individuals. We are now attempting to sell subscriptions at \$10 per year. Ads will appear in upcoming issues of *Reason*, *Libertarian Review*, *Principle* and the *OLP Bulletin*. An additional 150 to 200 subscribers will put this newsletter in the black.

If you know someone that you think would enjoy reading *The Libertarian*, sell him a subscription or give a gift subscription. If there is a local politician or Member of Parliament you think should receive our newsletter, give him a gift subscription.

Our first appeals for renewal of Foundation support will be coming up in March and April. While you can now receive *The Libertarian* for \$10, we hope our supporters will continue to donate more to support our endeavors.

The Libertarian now accepts advertisements, Our rate structure is as follows:

FULL PAGE	\$20.00
HALF PAGE	\$10.00
QUARTER PAGE	\$ 5.00

Classified ads: 5¢ per word.

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HUMAN ACTION

by Mike Little

Even though the Christmas month is usually a quiet one for volunteer organizations, HALT's progress continued very satisfactorily. Memberships increased daily and media coverage was excellent, due to the actions of our vice-president, Walter Boytinck.

Boytinck started the month by sending a copy of the Taxpayers' Charter to the Vancouver Courier. The Courier subsequently interviewed Rick Bolstler and Mike Little, then printed a front page story. This story prompted interest from three radio stations which did live interviews with Bolstler and Little. Then CBC TV picked up the ball and interviewed Little for the 6 o'clock news. This media coverage brought HALT to the attention of hundreds of thousands of taxpayers around the province leading to dozens of inquiries and new memberships. Some of these new members will take action themselves. And so it goes, the ripple effect from one individual becomes wider and wider. The full effect of this seemingly small act will never be known.

Boytinck had an idea. The Courier should find out about HALT, so he took fifteen minutes off from his work and translated the idea into action. While the ripple effect from his seemingly small action was building in momentum, Boytinck was off to Winnipeg on a business trip. There he had another idea. He thought that the local branch of the Canadian League of Rights should find out about HALT.

Again he translated the idea into action, called their local representative and met with him. Result - the charter has now been sent to their members and the ripple effect is just showing up in the form of memberships arriving from Manitoba.

Two years ago Boytinck had another idea. He thought that he shouldn't pay income taxes anymore. (This story is covered more extensively in another part of this issue) HALT made Boytinck's case public knowledge with a news release last month, receiving extensive media coverage across the country, the highlight of which was another interview for Little on the CBC TV news.

Other people in the HALT organization are also action oriented, but we have emphasized Walter Boytinck because he figured so prominently in our activities last month and is a source of inspiration for all of us. The lesson to be learned is that ideas in themselves are nothing. It is only when we take action that ideas become part of reality. We don't always know what the results of our actions will be but we do know that if we don't take action, our ideas will remain as nothing but empty dreams.

Let us all remember the first two words in the name of our organization. HUMAN ACTION. Fellow humans, let us all start translating our ideas into action!

DOLLARDS & SENSE

by Bill Buckler, Jr.

Canada Post recently finished spending \$131,527 for a new 1200 square foot post office in Winona, Ontario. When asked to read a benediction at the official opening, Anglican priest Rev. Alan Whitton refused so that he would have the opportunity of protesting the Government's extravagant spending. Hats off to the Rev. Whitton and may we respectfully suggest that in any future instances of this kind a malediction would be much more appropriate.

An Ontario NDP riding association is publishing a little booklet called "Political Pie with a Socialist Flavour". Former MP John Harney submitted a recipe for "Crepes Quebecoises". The ingredients are the usual - milk, eggs, flour etc. The instructions, however, bear repeating: "The secret is an open one - the batter must sit and wait the historic inevitability of the dialectic of the ingredients. There are no phony additives such as baking powder. All is simple, natural, passionate justice and equality - both in practice and outcome - the very essence of socialism." Has anyone told Aunt Jemina?

Real estate salesman Cliff Hodgkins became angry when Vancouver's treasury department told him that the \$12,000 cheque which he had written to pay taxes would take ten days to clear. So Mr. Hodgkins took back his cheque and paid in cash - in pennies - 900 pounds of them. "We didn't want to accept the pennies at first, but we decided not to make a fuss", said Treasury superintendent Bill McAdie. "We hope other people won't start doing the same thing".

A model of Canadian opportunity is going back down under. Australian Bill Webster is to be deported for leaving a job authorized by the Canada Immigration Department and moving to another. After receiving notice of his deportation, Webster discovered an advertisement for the Alberta Human Rights Commission which featured himself surrounded by people of different national origins. The ad read: "Let's bring together the creative energies of every Albertan." It would seem that our Immigration people do not regard showing initiative as being creative. And since the deportation notice came out there has been no response

from the Alberta Human Rights Commission.

Texan Herbert Williams is going to start his own country. Williams recently bought a 400 acre island which was created when Hurricane Beulah changed the course of the Rio Grande in 1967. Both the U.S. and Mexico denied ownership, so Williams bought the island from Mexican citizens for \$400,000. He envisages tax-free companies, Swiss-style bank accounts and gambling casinos. And if the U.S. and Mexico interfere? "I'll take it right to the World Court. It takes them twenty years to rule on anything. At worst, I'll have my country for twenty years." Mr. Williams is 68 years old.

The Scarborough Public Utilities Commission is sending its bills by private courier, at a cost of eight cents a bill as compared to the Post Office first-class rate of 14 cents, which is to jump to 17 cents on April 1. This has moved Postmaster-General, Gilles Lamontagne, to consider amending the bill which will convert the Post Office to a Crown Corporation to compel municipalities to use only the Post Office for mail delivery. It has also produced the QUOTE OF THE MONTH from Mr. Lamontagne. When a PC Member of Parliament asked him how a private courier can afford to deliver mail for considerably less than the Post Office, Mr. Lamontagne replied: "Nothing has proved that a private courier charging five, six or eight cents makes a profit." The Post Office had a \$500 million deficit last year.

Unexpected but very heartening events have recently been taking place in the People's Republic of China. During a public meeting held at Tien An Min Square in Peking as part of China's so-called "democracy drive", a young worker made a speech which contained the following quote: "Don't expect to get any rights handed to you, we are going to have to fight for them every inch of the way. It may take a long time, but the process can't be stopped." The truth may be buried under a mountain of jackboots, or "insane asylums", or just plain apathy, but it can never be destroyed.

LET'S ABOLISH THE CRTC! PART TWO

by Walter Boytinck

(This is the second half of the submission made by Mr. Boytinck to the CRTC on January 25, 1977.)

My next point is that the government does not "own" the airwaves simply because it declares them to be public property. At present the airwaves hardly belong to anybody. The fallacy of the argument is in its assumption that we have a choice only between federal control and chaos. We must remember that federal control has existed ever since broadcasting's infancy, so the idea of liberating the airwaves has had little consideration. Ownership of the airwaves has been a government monopoly, to be shared sparingly with others. So long as this monopolistic ownership goes on unchallenged, there is little chance that the roots of broadcasting's problems will be touched.

The dispute will go on endlessly so long as the government continues to claim that it "owns" the airwaves. To hear all of the moralizing about the airwaves being public property and the "sacred public trust" one would think that the airwaves were something built and paid for by public funds. Actually, the airwaves existed all along, and it was only the fantastic growth of the radio and television industry which gave them value at all. Most people didn't even know of their existence until the miracle of radio proved it. If anybody should be in another's debt in this situation, it is the government which should reimburse the industry for the tremendous capital appreciation of the airwaves.

A similar principle applies to cablevision. The Cable distributor was ingenious to start the cablevision system some years ago and he should therefore have the last word as to the dial position of any particular station (whether it is Canadian or U.S. is irrelevant). The government should not have the power to take this right away from the cable operator. It was the cablevision operator who had the foresight to go into this business. So why should government suddenly control something that it did not create? We are all rapidly discovering that government is totally non-creative and that the most it can usually do is control matters by force.

Slowly one begins to see a possibility of reasonable solution through private ownership and control of the airwaves. Let broadcasters own the airwaves themselves or lease them from other owners. Let the market pricing system allocate this scarce, valuable, economic resource to the highest bidder, with full powers to use his property as he judges best in the conduct of his own business. The market has functioned admirably whenever it has been given a chance with respect to countless other scarce and valuable resources: why not the airwaves? (At this point you will hear the "What about obscenity and slander?" argument, but this doesn't apply either, for our courts are empowered to

deal with obscenity and slander, despite who happens to own the offending medium).

Since these channels are limited in number, wouldn't this be to favor some individuals over others? Well, of course, that is what has already happened even under the CRTC. That argument can be answered very well by pointing out that land, labour, capital and almost everything else of commercial value is in limited supply. Ownership of the stations and the airwaves would most likely continue to rest with the persons and corporations who are in the business now, for they are the ones with the capital, and experience. One must remember that a "free enterprise" broadcasting industry would "favor" those who run their stations most effectively, and would eliminate those who do not. Use of the airwaves would tend to revert swiftly to those who could make the best use of it.

Private ownership of the airwaves would introduce another factor that has been virtually absent from the industry: an intensified, well-financed campaign to bring more channels into existence or to narrow existing channels to permit broadcasting several programs simultaneously in the band now used for one. At present there is no incentive at all for private enterprise to sponsor this kind of an effort, and other efforts are constantly thwarted because the CRTC controls licensing.

We should label as utter hypocrisy this notion that "the people" can effectively "control" or "own" the airwaves through their government. Which of us, because of his vote or his contact with a Member of Parliament, has the slightest voice in the operations of the federal Post Office or Statistics Canada? Yet in theory we "own" these establishments. But over privately-owned businesses, we do have power — the immense and considerable power of exercising our right to buy or not to buy. We can influence the direction of privately-owned establishments whenever it suits us — but our government "ownership" of the airwaves will continue to bring us more troubles.

Why should the Commission be able to approve or disapprove:

- (a) transmitter sites?
- (b) the rebroadcasting of CBC English language AM network broadcasts at Gold Bridge, B.C.?
- (c) the establishment of a new TV station at Ocean Falls, B.C. to rebroadcast CBC programs?
- (d) whether a radio station such as CKNW or CHAN-TV can or cannot broadcast Canuck hockey games? What business is it for government to tell a station whether or not to broadcast a sports event? In less free countries, government even tells stations what news to broadcast!

- (e) whether an FM radio station from the United States is carried on Vancouver cable line? Is this not censorship at its worst? Should the choice not lie with the consumer whether or not to listen to a U.S. station? Why should the Commission be able to decide what is good for our ears or eyes? Is the Commission in the business of eliminating competition between stations so that it can grant licenses only to its "friends"? The power of the Commission to eliminate any station is parallel to the "jamming" of radio stations by the Union of Soviet Socialist Republics.

In registered letters to the Commission dated September 2, 1976 and October 19, 1976, I asked to be informed as to the costs of operating the CRTC for 1975 and 1976. I have received no such information. The proper inference is that the Commission is probably embarrassed and it could not justify its costs to the Canadian taxpayers.

The Commission which is supposed to manage in the public interest is no less subject to the love of power or the human evils of greed and corruption than those who manage privately. They are the same people and they possess the same shortcomings. Also, the incentive to good judgement is stronger with private managers who must assume the financial loss for their mistakes, while the government managers can call upon the Government printing press to subsidize their incompetence.

The CRTC has unusual powers in that it can make its own regulations which have the force and effect of law and then enforce them. These all — pervasive powers are contrary to all principles of natural justice. Although the Commissioners are theoretically responsible to Parliament via the Cabinet, they are in large measure of fact responsible to no one in particular. At issue is the steady erosion of individual liberties and the increasing substitution of bureaucratic planning for individual decisions in the market place.

I further submit that the granting of coercive and arbitrary powers to the Commission by Parliament are contrary to the ancient Charter of Liberties, Magna Carta 1215 and that the monies allocated to the Commission by Parliament have been collected from Canadians by force and without their specific consent. When we vote for our Member of Parliament, we are not voting to give him a blank cheque, but instead he is to represent us and protect us within the confines of the various Charters of Liberties, especially Magna Carta 1215. Men are free, have certain rights enumerated therein and men are not obligated to allow themselves to be "ground into the dust". Not only must government monopoly be abolished, but the ability of government to grant monopolies must be revoked. No one, including the government, has the right to initiate the use of force or the threat of force against another human being (or a radio station); government may be permitted to use force only in retaliation against those who initiate its use (i.e. criminals who use physical force or fraud). The CRTC uses force indirectly by not permitting broadcasting unless it is

licensed by it. The CRTC's power to grant licenses is a form of monopoly, it is unconstitutional and contrary to our ancient liberties won long ago for all free men.

I SUBMIT:

- (a) THAT the Broadcasting Act is ultra-vires, as it is contrary to the old English Charters of Liberties, especially Magna Carta 1215, all of which are part of Canadian Constitutional law.
- (b) THAT just as Government must not interfere in the affairs of churches and religion, and just as it must not interfere with freedom of speech and freedom of the press, so it must not interfere with the broadcasting by radio and television.
- (c) THAT the Commission should acknowledge that its purpose is to restrict freedom of radio and television, and since this is contrary to our liberties and the natural rights of man, the Commissioners should vote to recommend to Parliament to repeal the Broadcasting Act and thereupon they should all resign.

Tale of a Coat

CHARITY



ROBBERY



THE WELFARE STATE



Courtesy: The Progress Party of Australia

rumblings

by Marco den Ouden

Smuggling In Tyranny

"LATEST VICTIM OF RCMP TYRANNY IS SELLING OUT AND LEAVING THIS POLICE STATE," began an ad in *The Citizen* of North Vancouver on December 13, 1978. After listing a variety of goods to be sold at an open house sale the following Sunday, the Ad continued, "P.S. - My 1975 Mercedes 450 SLC, along with cameras, a telescope, a stereo, a silver bar, books, tapes, cassettes etc. were whimsically, needlessly, forcibly and unjustly confiscated by Cranston E. de St. REMY, an RCMP deputy, on October 24th when, without good cause and with no proof, he seized my car and threatened me with imprisonment on a spurious charge of smuggling and unpaid border taxes and on October 25th when, in my absence, he and some assistant thugs burgled my home."

The ad was placed by Jerome Smith, renowned silver expert and investment advisor. The main source of Smith's outrage, though, was not the seizures themselves, but the authority under which the seizures were made. St. Remy, a customs investigator, allegedly made the seizures under a Writ of Assistance, a general open-handed warrant used by certain customs investigators, which authorized St. Remy to enter any building at any time to make any searches he thought necessary and to seize any property he thought was contraband.

There is now a moratorium on the issuance of such writs because of opposition to their sweeping powers by various interest groups. The writ held by St. Remy was issued in 1974 with no expiry date.

Smith, a landed immigrant, maintains homes in San Jose and Cost Rica and used the Mercedes to commute between Vancouver and San Jose. The car was registered in Oregon and was usually kept in the U.S. Some of the items seized from his home, he says he has owned for 17 years.

Smith says St. Remy told him he had been under investigation since March. He suspects the investigation was instigated by the feds after he wrote an article attacking tariffs in the February issue of his investment advice newsletter *World Market Perspective*. (The article was reprinted with Jerome Smith's permission in *The Libertarian* last summer.)

Staff Sgt. Darryl Beer of RCMP Customs and Excise said of the seizures, "We are considering penalties for customs duties not paid. The onus is on the individual to prove the goods were properly entered into the country. The individual is going to have to come up with proof."

The Libertarian talked to Staff Sgt. Beer and he told us that the seizures of Smith's property were not made on authority of the Writ of Assistance held by St. Remy as

reported by the press, but on a Search Authority signed by a Justice of the Peace. St. Remy, however, does hold a Writ of Assistance and could have seized Smith's property without further authorization had he chosen to do so. Jerome Smith declined further comment when it was learned that St. Remy initiated a libel suit against him and *The Citizen*.

This reporter checked out the Customs Act in the library and discovered that the powers held by the Customs and Excise Department are awesome. Not only can the department seize any goods it deems contraband, it can "break open any doors and any chests or other packages for that purpose." It can "station officers on board any ship while within the limits of a port, and the master shall provide every such officer with suitable accomodation and food." Steamships and railways transporting goods in bond under customs manifests in Canada must carry "free of charge" accredited officials of the department when required. Any goods not properly entered into the country are liable to seizure, even if there is no duty on them. Any one questioned under the Act may be fined \$400 for refusing to answer or for answering falsely.

In customs cases the onus is always on the individual whose goods are seized to prove the goods were legally entered into the country. The customs officials merely need "reasonable cause", they are not required to prove anything. If an individual wishes to contest a seizure, he must do so within thirty days and he has to go through a mountain of red tape to do so. And should he sue the department or its agents for false search or seizure and win, and if the agent sued can convince the court he had "reasonable (albeit mistaken) cause" for his actions, the individual making the suit "is not entitled to more than *twenty cents* damages nor to *any* costs of suit,"

The whole Customs Act is rigged in favour of the Customs Department. The person accused of smuggling has little, if any, recourse in cases of false search and seizure.

Libertarians oppose the Act on general principle because we oppose duties and tariffs. But it would be a mistake to consider the Act as just another economically backwards piece of legislation. It should be considered a positively dangerous piece of legislation, an Act not fit to exist in a country that prides itself on its freedom.

Jerome Smith left Canada just before Christmas. He won't be back except for the occasional visit. "After 6½ years residence, I say goodbye to Canada," he says "I love the Canadian landscape and the Canadian people but I refuse to live in a prison state."

There are many ways to fight the oppression of tyrannical government, Jerome Smith followed the admonition of Francisco d'Anconia. He shrugged!

HALT V-P WINS SKIRMISH (from page 1)

illegality of the Income Tax Act. On his 1976 tax return he answered each question with the words "object - self crimination" and attached a lengthy legal brief detailing his legal basis for doing so. In 1978 he filed his 1977 tax return the same way.

During the summer of 1978 he entered discussions of his returns with representatives of the Vancouver regional tax office. They told him that they did not accept his arguments and that they would consider the 1976 and 1977 returns not filed if he did not file them as they required him to.

Boytinck explained to the tax department that he was fighting the issue on principle and could not file the returns as they required. To prove his good faith he has placed security exceeding \$20,000 with an independent trustee, not to be released to the Income Tax Department unless he is convicted by a jury. He offered to reveal the name of the trustee to the department if an authorized official would sign an affidavit stating that the department would agree to a trial by jury when the case comes to court. The department refused to sign.

Summonses were issued November 20 ordering Boytinck to appear in court on December 12. On that date, counsel for Boytinck appeared in his stead and argued that the summonses were a nullity. His Honour Judge N. Mussallem

referred the matter to the British Columbia Supreme Court where Mr. Justice MacKenzie quashed the summonses.

Boytinck's battle has just begun. New, properly worded summonses have been issued.

Walter Boytinck is battling the taxman on principle. There are two issues he is fighting for. First, he maintains that the Income Tax Act is illegal and unconstitutional. Secondly, he is fighting for the right to trial by jury.

In a press release issued by HALT on the Boytinck case, Mike Little, HALT's president said that the Income Tax is not only illegal and unconstitutional, but it is also an immoral tax. Furthermore, the Act seems incomprehensible to 99.999% of the people. Members of the Parliament should be asked to swear an affidavit that they have read and understood the Act. Little said he would bet anyone a good lunch that not even one Member of Parliament could swear such an affidavit safely.

Little further suggested that the people should decide how much they want to spend on their government. We are just plain sick to death of more government than we need and more taxes than we can afford. Government grows like a cancer. For government to stop waste, we have to give it less money to spend.

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