



**west  
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# **Libertarian**

THE NEWSLETTER OF THE GREATER VANCOUVER LIBERTARIAN ASSOCIATION

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## BOYTINCK CASE

### **Pyrrhic Victory for the State**

After two years of legal battles, local libertarian Walter Boytinck was found guilty February 24 of failing to file income tax returns for 1976 and 1977. Boytinck had filed returns marked "Object - Self Crimination" hoping to argue the immorality of the income tax act before a jury.

Subsequent to being charged in 1978, he fought through three courts to have a trial by jury. The B.C. Court of Appeal eventually rejected his appeal and the Supreme Court of Canada denied him permission to appeal further. The courts authorized the Crown to proceed with trial by summary conviction (judge alone).

Throughout the various court hearings Boytinck had argued that Canadians have a right to trial by jury guaranteed by Magna Carta. Magna Carta, he said, was an integral part of Canada's Constitution. But the courts ruled otherwise.

While in Ottawa to petition the Supreme Court of Canada, Boytinck presented a brief to the Constitutional Committee urging that trial by jury be made a constitutional right. The Committee heeded his advice and the amended Constitution Bill now before the House includes the right to trial by jury, but only for offenses commanding a penalty of five years imprisonment or more.

In court February 24, the Crown prosecutor asked for maximum fines of \$10,000 on each of the two counts. He argued that the state had been deprived of the tax monies for two years and implied that this

had created hardships for widows and orphans.

But Boytinck pointed out to the court that he had made himself a guinea pig to test his belief that trial by jury was a constitutional right. He had put aside the required taxes and properly filled in forms with an accountant when he had embarked on his legal battle. He now had the forms and the back taxes with him and would submit them to the tax office after his court appearance. He produced the forms and a stack of money.

The judge noted that none of the courts had ruled Boytinck's appeals for trial by jury as "frivolous and vexatious". A citizen, he said, had a right to fight through the courts for rights he believes he has, even if the courts should eventually rule against him. Justice would not be served by punishing Boytinck. He fined him \$350 on each charge.

Boytinck's goal of presenting his argument for trial by jury to the highest court of the land was achieved. His goal of escaping with minimum damage if convicted was also achieved. The Crown's victory was Pyrrhic at best.



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# Supper Club Launched

The Vancouver Libertarian Supper Club held its first dinner meeting on February 6 at the Rembrandt Hotel. The speaker for the evening, New York economist Walter Block spoke on the detrimental effects of rent controls to an audience of twenty-five.

Block, the author of the controversial book Defending the Undefendable, is currently senior economist with the Fraser Institute, a free market-oriented research organization in Vancouver.

For anyone wondering why there is such a shortage of rental housing in Vancouver and why there is so little construction of more, Dr. Block's talk laid out the rent control connection very clearly. He also took pains to give the moral argument against controls, one which Libertarians should always make along with the practical one.

He related some of his own experiences in advancing these ideas to the general public and suggested some innovative approaches for Libertarians. The most interesting of these was to start a public pressure group with a name like "Tenants Against Rent Controls".

A propos of leftist Assar Lindbeck's comment that rent control is the most effective way to destroy a city except for bombing, the Institute's book Rent Control: Myths and Realities contains a number of photographs of places such as Dresden, Hiroshima, and the South Bronx.

Walter told us that one of his favorite tricks in presenting this material to the general public is to show a set of these pictures and ask if anybody can tell which are which.

During the spirited question and answer session that followed, the audience raised subjects ranging from other effects of rent controls (e.g., have they pushed up house prices?) to the Rev. Jerry Falwell and the libertarian approach to the abortion question.

Following this, the formal part of the evening was adjourned and many of the guests repaired to the lounge for more conversation and entertainment.

The next Supper Club event will take place on Saturday, March 21 when our speaker will be Sally Hayes of the Peterborough Libertarian Association. Her presentation will be "What One Person Can Do."

Sally can speak from a wealth of



Walter Block Addresses the Supper Club

experience, having run on several occasions for the Ontario Legislature and Federal Parliament, and most recently for Peterborough Council. She also founded "Operation HUMBUG" in order to oppose compulsory, government-mandated metric standards.

For an enjoyable evening of food, drink, and stimulating ideas, make reservations now (see "Coming events" in this issue). The cocktail hour begins at 6:00 pm and the full buffet dinner starts at 7:00.

Remember that the Libertarian Supper Club is not really a club at all but is open to everyone. So plan to attend and invite your friends.

by Robin Gillespie

## MOVING ?

We are constantly updating our computerized mailing lists in order to provide maximum speed and efficiency in mailing notices and the West Coast Libertarian.

If you have moved or plan to move please let us know!

# NEWSWATCH

by Marco den Ouden

On January 27th the Supreme Court of Canada ruled that not even the police can invade someone's home without precise and express authority.

The case involved arose out of an incident three years ago. The city of Prince George wanted to demolish the home of Franz Colet, describing it as a shack and an eyesore.

Colet had warned the City that he would defend his property, and so the police came with a warrant to seize any weapons he might have. He was waiting for them.

Standing on the roof of his shack, he doused the policemen with gasoline when they attempted to climb a ladder to reach him. The gasoline was followed by lighted matches. Colet was arrested and charged with attempted murder.

In the trial, Justice S.M. Toy told the jury that the police were at law trespassers. They did not have a warrant to enter Colet's property and Colet had a right to use as much force as necessary to prevent anyone from entering his property without authority. The jury agreed and acquitted him.

But the Crown appealed and a new ruling was issued which declared that "criminal code legislation is in the public interest and the rights of the individual are secondary." A new trial was ordered.

The case was then taken by Colet's lawyer to the Supreme Court of Canada, which agreed unanimously with Justice Toy.

Although justice was served in this case, we should remember that all levels of government in this country ultimately have enormous powers of seizing people's property. If government tyranny and arbitrary authority are ever to be abolished we cannot rely on government courts. They have a sorry record of protecting individual rights.

## "Free Enterprise" in Action

Our "free enterprise" provincial party has recently committed the taxpayers of BC to a \$500 million subsidy of two private coal companies and the Japanese steel industry.

Free Market Bill, leaning heavily on the Keynesian and very un-free market "multiplier effect", announced that the deal would be a boon to all British Columbians. The boon involves what amounts to at least a twenty-two year commitment to a project involving highly uncertain future market conditions before the "taxpayer" breaks even on "his" investment.

NDP critic Stu Leggatt put the case very bluntly: "The Japanese get the coal and we get the hole. There will be an increase of taxes for everyone in BC." Even Socred backbencher Jack Davis has protested that such a risky project should not be undertaken by government.

Well, why not? For the Socialist Credit Party "free enterprise" means government intervention in the economy.



Libertarians oppose restrictive immigration laws as a violation of the individual's liberty to move freely where he wants to. In fact, the Libertarian Party is the only party that favors the abolition of immigration laws.

Even the NDP, which often condemns groups that favor restricted immigration as racist, supports some restriction. But they, generally, have a more liberal view on immigration than most parties.

However, the NDP officially came forward with a racist amendment proposal to the new constitution. Their contingent to the special joint constitutional committee proposed an amendment that would have singled out Canada's northern native people

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# David Henderson

Recently, a petition was circulated among North America's professional economists which called on the U.S. Congress and executive to scrap all plans to reinstitute a military draft. The document was inscribed with over two hundred names, including many notable libertarians. The author of the petition was David Henderson, a young libertarian economist teaching at the University of Santa Clara. On November 30 David was in Vancouver and spoke to UBC students on "Energy and American Foreign Policy." Earlier in the day he appeared as a guest on BCTV's Webster!. The following is a transcript of the interview.

Webster: First, you want to make a disclaimer over something I said, not once, but twice, in the program.

Henderson: I was acting senior economist for the Council of Economic Advisors under President Nixon. I was not a direct advisor to President Nixon. I was twenty-three years old at the time.

Webster: Why do you say that? Because you don't want to appear to have been in any kind of touch with that dreadful man at all?

Henderson: Yes. (laughter)

Webster: How old are you now, David?

Henderson: Thirty, last Friday.

Webster: There's something suspicious about your appearance on this program. This is the third time I've had a guest and discovered that they've had a connection with a strange group called the Libertarians. And I see here that you're an advisor to Ed Clark, the Libertarian Presidential Candidate.

Henderson: Right. I did talk with him.

Webster: What is this Libertarian thing first? They're kind of right wing liberals, aren't they?

Henderson: Maybe, depending on what you mean by that. What we believe in is complete freedom for the individual.

Webster: How many votes did Ed Clark get?

Henderson: 970,000.

Webster: A most unfortunate name for anyone running for top office. Ed Clark -- 970,000 votes -- that a spit in the bucket.

Henderson: 1.2%.

Webster: 1.2%. Give me a little bit of the libertarian thing. You say that...

Henderson: We believe in freedom for the individual in all areas. Not just in economic areas, also in the area of civil liberties. The right to use anything you want, any kind of food or drug or anything you want to ingest into your own body, the right not to be drafted into the military, the right not to be forced to fight in a foreign war and so on.

Webster: I don't like that.

Henderson: No? Which part?

Webster: Anarchy!

Henderson: If you mean by anarchy a completely voluntary society, then many libertarians are anarchists in that sense. The usual image of anarchy is a society in which people throw bombs and that's exactly what we're against.

Webster: No, no. I mean a totally free society would become anarchical in a very short time if there was no compulsion for people to conform to certain standards of law or certain standards of behaviour.

Henderson: Libertarians believe in law. We believe that when you say someone has the right to do something, you mean they should be protected in their doing it. So to say that you have the right to be on this show means that if someone tries to come along and forcibly remove you, you have the right to call the law in.

Webster: My boss can remove me anytime I'm not a success.

Henderson: He wouldn't forcibly do it. I'm saying if someone comes in off the street and just tries to haul you out of here...

Webster: He can't do that now.

Henderson: I know, because of the law. And we believe in the law that says you can't do that.

Webster: Do you believe in property rights?

Henderson: Yes, very definitely.

Webster: Do you believe in punishment for an individual who breaks the law?

Henderson: Yes, depending on the law. If he breaks a law that protects other people, yes.

Webster: But then you mean if someone wants to become a junkie and get heroin, you have no objection to that?

Henderson: I have no objection to someone's right to do that. I may object to his doing it, but that's a separate issue. And, in fact, if you look at most codes of behaviour we have, Christianity, Judaism and so on,

they are not enforced by law. They are things that people arrive at voluntarily and they work pretty well.

Webster: They're enforced by standards of moral behaviour.

Henderson: That's right.

Webster: It's a little bit idealistic though, is it not, for society to say, "okay, we're going to make pot and hash and elephant steak and heroin or whatever legal, and my right is to sell it to whomsoever I please whether they're 9,10,11, or 35.

Henderson: Well, I'm glad you say its idealistic. I think it takes....

Webster: (laughing) "Naive", I should have said!

Henderson: Well, if we can stick with what you first said...

Webster: (to the studio crew) Delete that from the tape altogether. I didn't say that!

Henderson: Well, I don't see that as really the guts of the message. I mean sure, that's part of our views but, but there's just all kinds of things going on now. The government takes almost half of our incomes and we don't get to choose how to spend it.

Webster: You're an economist. Why does the government take half of our income, idealistically speaking?

Henderson: They don't do it idealistically speaking. It's true that they appeal to certain people's ideals about helping other people and they really cash in on that. But they do it because often people don't understand how they're doing it. For instance, the woman on this morning [Monique Begin, federal minister of Health and Welfare] talked about how we want to guarantee all these pensions and so on. And as you pointed out, you have to tax people to do that and if you're not going to tax people directly, you have to print money to do that. And she was talking as if somehow this inflation problem that we have with private pensions is something that they're going to solve. In fact, the problem is caused by the Canadian government because they're the ones who are printing the money causing the inflation.

Webster: Can they solve the inflation problem?

Henderson: They can, in a technical sense. They can cut the growth of the money supply and the result will be a lower level of price increases. If they cut the level of money supply growth to zero, the result will be no inflation at all. Whether they will is a separate question.

Webster: Why would they not do that? There's the answer. I've heard it so often that if you cut the growth of the money supply,

inflation will cease.

Henderson: Right.

Webster: There's no more money to chase the goods.

Henderson: Right.

Webster: But what's the economic effect on the ordinary American or Canadian?

Henderson: That their pension is more secure, that their savings are not indirectly taxed through inflation, they can plan better for the future.

Webster: But there would also be mass unemployment.

Henderson: There will be a short run increase in unemployment. There are ways you could ameliorate the problem. For instance, by getting rid of a lot of the labor market restrictions that keep people out of work, by getting rid of the minimum wage.

Webster: Like trade unions?

Henderson: No, not getting rid of trade unions. Getting rid of the power trade unions have to force people to join against their will.

Webster: That's another of your basic facts. What was the other thing you said just now?

Henderson: Getting rid of the minimum wage. The minimum wage, which is now over \$3 per hour in Canada, prices a lot of low-skilled people out of the market.

Webster: You are the direct antithesis of today's capital "L" Liberal in Canada who in fact is an egalitarian bureaucratic socialist.

Henderson: It's a funny kind of egalitarianism that prices the poorest people out of the labor market and instead of giving them, say, \$2 per hour, gives them zero per hour -- because they don't get work.

Webster: What do you think of the Canadian policy adopted and enforced by the federal government whereby we are subsidizing the internal price of oil to half the world market level?

Henderson: I think it's a crazy policy. I'm not just taking Lougheed's side. I think that the debate between Lougheed and Lalonde and Trudeau is like the debate between Bugs Moran and Al Capone. They both want to tax private people and I say they have no right to do that.

Webster: What would you do with social services? Would you let social services, compensation, medicare or medicaid, as you have in the States, wind down to a generally acceptable level?

Henderson: I would let it wind down gradually. I'm not running things but these are my ideals. I would have the government

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## NEWSWATCH (from page 3)

for protection against large influxes of migration from the south.

Burnaby New Democrat Svend Robinson told the committee that his party considers aboriginal peoples' protection as a fundamental part of its policy. It seems that when white people oppose relaxed immigration to Canada they are racists, but when the migration of whites to Canada's north is opposed, it's aboriginal rights!

Recently there was a case before the BC Human Rights Commission of an atheist lad who wanted to join the Boy Scouts. He was denied permission to join when he declined to take the oath to "do his duty to God."

While one may sympathize with the boy, it must be recognized that any private organization like the Boy Scouts may establish whatever criteria for membership it chooses. If the Human Rights Commissions undertake to legislate on this, will we see the B'nai B'rith forced to accept Christians, or the Catholic Church forced to ordain Scientologists?

Be prepared!

### Tale of a Coat

CHARITY



ROBBERY



THE WELFARE STATE



Courtesy: The Progress Party of Australia

## COMING EVENTS

Saturday, March 21. The second Libertarian Supper Club dinner will take place at the Rembrandt Hotel at 6:00 pm. The speaker for the evening will be Sally Hayes, long-time Libertarian activist from Toronto. Tickets are \$15.00 per person. Phone 937-0529 for reservations.

Tuesday, March 24. Walter Block, GVLA member and Senior Economist at the Fraser Institute will debate Bruce York, city alderman and local socialist of note, on the subject of government planning. The debate will take place at 8:00 pm in the U.B.C. Lasserre building, Room 205. This should be a stimulating evening for everyone concerned with human liberty, so plan to attend.

## CONTRIBUTIONS NEEDED

The Greater Vancouver Libertarian Association needs contributions in order to sustain its newsletter and activities.

Remember that you receive an income tax credit of up to 75% of your contribution. Thus, a contribution to the Association of \$100 would reduce your "total tax payable" by \$75. The following table shows how it works:

First \$100 --	75%
next \$450 --	50%
over \$550 --	33%

up to a maximum of \$500 in tax credits.

Contributors will receive an official receipt for tax purposes.

Here is a chance to have a say in where some of your tax money is spent -- and make a contribution to the Libertarian movement at the same time.

Please make cheques payable to the Libertarian Party of Canada and mail to:

**the greater vancouver  
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get out of a lot of programs that are hurting the poor so that at the same time as they're losing certain benefits, they won't lose everything because now they can work. It would be easier to get jobs and so on. And they could keep more of their money.

Webster: You came from Manitoba, I know that, but where do you work now?

Henderson: At the University of Santa Clara in California.

Webster: You have a very good quote in front of me about politics.

Henderson: Yes. "Politics represents the art of calculated cheating." Now, I quoted that from a very well-known U.S. government official, James Schlesinger, who used to be Energy Secretary and this is from an article he wrote twelve years ago in which he

pointed out the nature of the political game. The idea is to tax people with as little pain as possible so they don't even know you're taxing them and to distribute the proceeds to the various special interests who come to government to get them.

Webster: Well, that, of course, is exactly what politics is.

Henderson: Right.

Webster: They redistribute wealth to maintain political and economic power in the country.

Henderson: That's right.

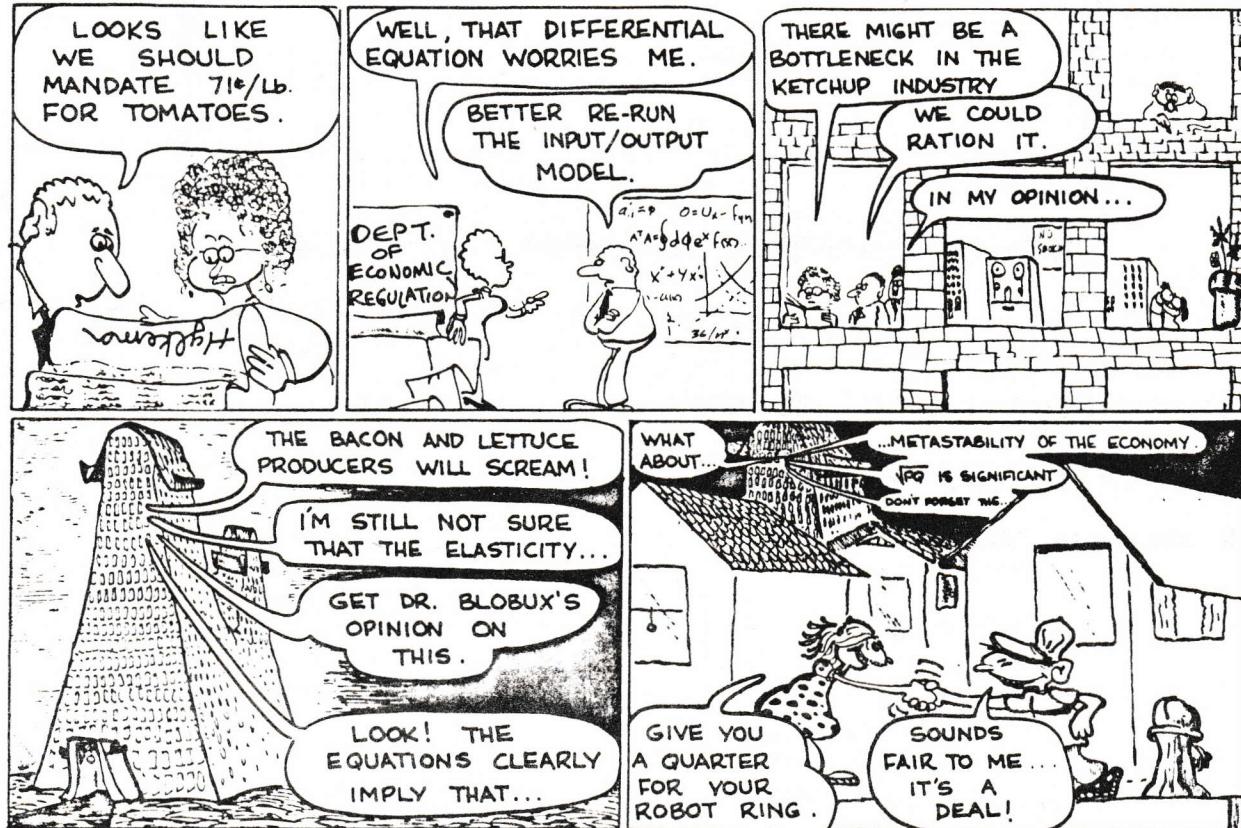
Webster: David Henderson, I apologize for having such a short interview. But I point out again that you're a Libertarian and a Presidential candidate advisor.

Henderson: Right.

Webster: Strange kind of peaceful anarchists. My thanks.

## rudebarbs

by Randall K. Hylkema



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## Cause and Effect

Those who profess to favor freedom and yet deprecate agitation are men who want crops without plowing up the ground.

They want rain without thunder and lightning.

They want the ocean without the awful roar of its waters.

The struggle for liberty may be a moral one; or it may be a physical one; or it may be both moral and physical; but it must be a struggle.

Power concedes nothing without a demand. It never did, and it never will.

Find out just what people will submit to, and you have found out the exact amount of injustice and wrong which will be imposed on them; and these will continue until they are resisted with either words or with blows or with both.

The limits of tyrants are prescribed by the endurance of those whom they oppress.

Frederick Douglass  
Ex-slave and black  
abolitionist leader  
In a speech, August 4, 1857

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