
III. The LaRouche Report

AUGUST 16, 1996

U.S. Law: Neither Truth Nor Justice

by Lyndon H. LaRouche, Jr.

The following statement was issued by the LaRouche Exploratory Committee on Aug. 16, 1996.

To the degree that U.S. Supreme Court's influential Associate Justice Antonin Scalia typifies the problem, there is no spirit of love for truth, or for justice, controlling the practice of law, in the U.S.A. today.

Typical, is the fact that an innocent man, political prisoner Michael Billington, still remains condemned to a 77-year, Virginia sentence, even after the evidence presented in several appeals has demonstrated the wrongfulness of his trial and sentence, and has also exposed the corrupt, political motives of both the prosecution and erring judges. In four, related cases, other innocent, political prisoners suffer comparably monstrous, if somewhat lesser terms. The widespread notoriety of

the wrongs in these cases, calls attention to the flagrant quality of the rampant corruption within the U.S. justice system.¹ Typical, are U.S. Supreme Court majority decisions, expediting death-sentences, even in cases where compelling evidence of wrongful conviction was awaiting its proper hearing.² At best, even where

1. Billington was falsely tried, and convicted on charges arising from alleged sale of securities. Later impeachment, of the prosecution's perjured witnesses, demonstrated that there were no securities; therefore, had he been fairly tried, he would have been exonerated. At trial, through aid of a corrupted defense attorney and complicity of the trial judge, Billington was denied the opportunity to present the evidence which would have impeached the perjured prosecution witnesses. The indictment, trial, and appeals process, have been controlled, to date, by plainly manifest, most blatant, politically motivated judicial corruption, in both the Commonwealth and Federal courts.

2. *Herrera v. Collins*, for example. Leonel Herrera was executed on



A Ku Klux Klan rally. "The present form of the problem which Scalia's argument typifies," writes LaRouche, "dates to that specific degeneration of the Federal justice system, the which came to the surface when Ku Klux Klan Kleagle Hugo Black covered his white Klan robes with the black robes of a Supreme Court Justice."

corrupt political motives do not govern both the prosecution and the bench, the pathetic tradition of François Rabelais's fictional judges, Suckfist and Kissbreech, casting dice in the back room, to select the verdict, is widespread.

Insight into the problem is gained by reviewing this writer's own Federal case, tried in late 1988, in the Alexandria Federal District Court for the Eastern District of Virginia. Michael Billington was also among the co-defendants in that case.³

The 'LaRouche Case'

The *Federal prosecutors* in that case are on the record, as arguing, in 1987, that no successful prosecution of this writer, on "loan fraud" charges, could be made, as long as the relevant three political publishing firms, headquartered in Virginia, continued to make payments to their lenders. The prosecutors argued, that only if the Federal government acted to bankrupt the firms, and close them down, could Lyndon LaRouche be successfully charged.⁴ After receiving the prosecutor's advice to this effect, the U.S. Department of Justice proceeded, unlawfully, with an unprecedented, and involuntary bankruptcy action against the three firms. The bankruptcy was used to close the firms down, and to cease the loan-repayments. This bankruptcy was judged, in 1989, after the three firms had been rendered defunct by the government, to have been unlawful; the courts found, that the U.S. Attorney, the same Henry Hudson directing the Alexandria Federal criminal case, "The 1988 LaRouche case," had accomplished his unlawful, 1987 bankrupting of the firms through aid of "objective fraud upon the court."⁵

When these same Federal prosecutors brought an indictment of this writer, Billington, et al., on Oct. 14,

May 12, 1993 after the Supreme Court refused to hear new evidence of his innocence.

3. Case No. CR 88-243-A, *United States v. Lyndon H. LaRouche, Jr., William Wertz, Edward Spannaus, Michael Billington, Dennis Small, Paul Greenberg, Joyce Rubinstein*. See *Railroad! U.S.A. vs. Lyndon LaRouche, et al.* (Washington, D.C.: Commission to Investigate Human Rights Violations, 1989). See also the report of an independent commission of international legal experts, released on Sept. 3, 1994, and published in *EIR*, Sept. 16, 1994, p. 43. Further information is provided in *Independent Hearings to Investigate Misconduct by the U.S. Department of Justice* (Washington, D.C.: Schiller Institute, October 1995).

4. "Motion to Vacate, Set Aside, Correct Sentence Under 28 USC §2255, *United States v. Lyndon LaRouche, case CA-92-86-AM, E.D. Va.*," *Exhibit 15*.

5. *In re Caucus Distributors, Inc. et al.*, 106 BR 890 (Bankruptcy E.D. Va. 1989), 907, 909, 926. Affirmed by U.S. District Judge Claude Hilton. The U.S. Solicitor General declined to appeal further.

1988, all of the charges included therein were subsumed under the single, principal charge of "conspiracy to commit loan fraud."⁶ All of the charges in that case were based upon outstanding political loans to the three relevant publishing houses.

A crucial added feature of that Alexandria trial, in addition to the fraudulent charges themselves, was the role of a shamelessly corrupt trial judge, Albert V. Bryan, Jr. Thus, that Alexandria case is exemplary of the pervasive political corruption of today's U.S. Justice system: a case in which the combination, of a crooked Justice Department, and a politically corrupt judge, colluded in crafting a fraudulent prosecution.

Judge Bryan had figured significantly in furthering the political aims of the government's unlawful bankrupting of the three relevant firms. During mid-1987, Bryan rendered the decision which virtually assured the permanent closing of the three targeted publishing firms, thus ensuring that non-payment of loans which became the charge in the 1988 trial of Billington, et al. Bryan's decision contributed substantially to the irreparable harm suffered by the firms and their lenders,⁷ harm caused by the unlawful involuntary bankruptcy action of the same, corrupt U.S. Attorney, Henry Hudson, who brought the 1988 "loan-fraud" case.⁸

The most significant among the numerous corrupt decisions rendered by Bryan in the 1988 Federal trial, was his Rule 403 *in limine* ruling, excluding from the trial all relevant evidence pertaining to both the Federal government's sole responsibility for the bankruptcy,

6. All of the seven defendants were charged under the first count, of "conspiracy to commit loan fraud." Under that single count of conspiracy to commit loan-fraud, there were an additional, variously distributed, eleven "substantive counts," aggregating to an alleged \$294,000 for all defendants combined, and an additional, subsidiary count, the esoteric ("Klein Conspiracy") charge of "attempt to impede and obstruct the functions of the Internal Revenue Service," on which only the present writer was charged. When sundry motions for severance of the "IRS" count were made, the prosecution insisted that the latter count was efficiently integral to the first count.

7. Although these loans were not given for electoral campaign activities, they were analogous to campaign loans in other respects. All of the relevant outstanding loans of the three publishing firms were of the "soft," political variety, which often carried no interest charges, and whose payment dates were not infrequently postponed by agreement with the lender. Thus, once Judge Bryan had made his mid-1987 decisions in the bankruptcy case, he virtually assured the defrauding of both the three firms, and non-payment of all loans outstanding as of the date of the Justice Department's unlawful bankruptcy of April 21, 1987.

8. This was the same Henry Hudson, who, as head of the U.S. Marshals Service, figured prominently in the U.S. Government's wrong-doing in the celebrated Weaver case.

and also his own role in preventing continued loan-repayments. Otherwise, Judge Bryan's lack of moral character, was exhibited most luridly in his response to a *habeas corpus* in the same case, in which, to make short of the matter, he "lied his head off," on a highly relevant issue of the case.⁹

The prosecution in that case, and in the subsequent, fraudulent prosecution of Billington by the Commonwealth of Virginia, and so on, had its officially documented, political genesis in 1982-1983 actions by former Secretary of State Henry A. Kissinger, and actions taken by a faction of Kissinger's cronies inside the Reagan administration, launching a covert, politically motivated national security operation against this writer and his associates. Kissinger's cronies within the U.S. Justice Department's Criminal Division,¹⁰ and in the apparatus of mob-linked Roy M. Cohn, et al., played a central role in this operation, over the interval beginning January 1983, and continuing through all of the notable cases of presently continuing mass-media and legal operations against the writer and his friends. All, or nearly all of the official and correlated record of the 1982-1988 phases of this continuing operation, and related governmental political corruption, were indicated to Judge Bryan, and available to him and all relevant Federal courts, at all relevant times, in these cases.¹¹

9. During the sentencing hearing in the 1988 case, in response to the statement of defendant Edward Spannaus, Bryan declared: "While counsel in the case haven't borne down on it, the defendants have repeatedly and from some of the testimony, raised this idea that this is a politically inspired, politically motivated prosecution. I reject that as arrant nonsense. The idea that this organization is a sufficient threat to anything, that would warrant the Government bringing a prosecution to silence them, just defies human experience." (Cited in *Railroad!* op. cit., p. 515-516. In pre-trial proceedings, Bryan had reviewed several, extensively documented motions showing cumulative attacks upon defendant LaRouche by leading news media, by both U.S.A. and foreign publications. He had ruled against allowing that relevant evidence in trial, and had also excluded, similar, massive documentation, from the Federal court record, and elsewhere, of relevant political operations run against LaRouche et al. by both governmental and accomplice agencies. In trial, Bryan had heard testimony on the importance of LaRouche's 1982-1984 activities with the Reagan Administration's National Security Council, and also relevant testimony from high-ranking officials of foreign nations. Either Judge Bryan was mentally impaired, or he was lying flagrantly, and his lying was, by its nature, politically motivated.

10. Deputy Assistant Attorneys-General John "Jack" Keeney and Mark Richard, et al.

11. As the fruit of a foreign-intelligence operation launched, in January 1983, at the prompting of Henry A. Kissinger, no part of the combined U.S. Federal, state, and foreign operations against LaRouche et al. were conducted within the confines of the customary pretenses of legality. Included were some of the same elements deployed against the later

If one includes the existing record for all the national, and international, covert operations conducted by the Kissinger State Department, the FBI, and others, against this writer and his associates, since 1968, including one officially documented, 1973, plot by the FBI, to arrange this writer's "elimination" by the Communist Party U.S.A., the crucial significance of the so-called "LaRouche" case is, in the words of former U.S. Attorney General Ramsey Clark, that it is the "most pervasive" of the instances of such governmental wrong-doing on record.¹²

The outstanding national and international significance of the Justice Department's corruption in the so-called "LaRouche cases," is better understood by showing the connection to the frauds of the same U.S. Justice Department in both the fraudulent activities of the Office of Special Investigation (OSI), and in racially motivated persecution of the class of elected African-American officials of Federal and state governments. Notable among the OSI cases, are the case of Cleveland auto-worker John Demjanjuk, and the less known, but related case of the assassinated Tschirim Soobzokov.

In both the Demjanjuk and Soobzokov cases, as in the LaRouche cases, the OSI's 1978-1979 targetting of its intended victims, was coordinated with the office of Rep. Elizabeth Holtzman (D-N.Y.). She was a principal co-sponsor of a bill establishing an arrangement piloted, earlier, by Secretary of State Henry A. Kissinger.

defendants since January 1974, when the *New York Times* deployed to cover up the FBI's role in what an official FBI document, subsequently released under FOIA, confirms to have been a planned "elimination" of LaRouche. Shortly after the January action of Kissinger cronies leading into the October 1988 Alexandria indictment, beginning no later than April 1983, a multi-agency public-private task-force was created, featuring New York private banker, and Jimmy Goldsmith-family crony, John Train. Included in the case, from then through 1989, were the Anti-Defamation League (ADL), the *Wall Street Journal*, NBC-TV News, the *Reader's Digest*, the Roy M. Cohn apparatus (including Cohn creation Dennis King), the circles of the Richard Mellon-Scaife, the Associated Press, and sundry other private and official wriggles of the "spook" world. The roster included agencies of the U.S. Joint Chiefs of Staff, that including such "Iran-Contra" spooks as Mena, Arkansas's Lt.-Col. Oliver North and Maj.-Gen. Richard Secord (ret.). Dirty Ollie North played a notable role in targetting Michael Billington: one of the facts which corrupt, intelligence-community-linked Judge Bryan did not consider suited for the jurors' tender ears.

12. Appearing before an independent body of international legal experts in September 1994, Mr. Clark said that the LaRouche case "represented a broader range of deliberate cunning and systematic misconduct over a longer period of time utilizing the power of the federal government than any other prosecution by the U.S. Government in my time or to my knowledge."



Political prisoners (left to right) Laurence Hecht, Paul Gallagher, Anita Gallagher, and Donald Phau, on Nov. 4, 1993, just before their incarceration for sentences ranging from 25 to 39 years. All are innocent. "The widespread notoriety of the wrongs in these cases, ... writes LaRouche, "calls attention to the flagrant quality of the rampant corruption within the u.s. justice system..."

During 1978-1979, several U.S. citizens were targeted for fraudulent prosecution through this dirty, Holtzman-linked, political channel. In the instances of Soobzokov and LaRouche, the targeting was conducted through the *very, very dirty New York Times*. Soobzokov was to have been charged, as Demjanjuk was, but for evidence against the *Times*'s Howard Blum, showing the role of certain agencies in the same kind of solicitation of fraudulent evidence against him from the Soviet KGB which the Justice Department crafted against Demjanjuk.

The 1979 effort, by the *New York Times*, to fabricate a news-media-driven legal lynching of LaRouche, was temporarily side-tracked when investigators caught the *Times*'s Howard Blum and Paul Montgomery on recording tape, admitting to the essential features of the collaboration between the *Times* and Holtzman, among others. The exposure of the *Times* temporarily detoured its planned targeting of the present writer, which the *Times*'s represented as design to foster fraudulent prosecution against him. The *Times* turned into a side-road maintained by the notorious Roy M. Cohn, and the Cohn-controlled *Our Town* publication, all acting in

concert with the Anti-Defamation League (ADL).

Soobzokov was later assassinated, in the setting of an ADL-linked hate-campaign against him; that terrorist-style murder occurred during lynch-mob demands for revenge against Soobzokov's successful civil action against the *Times* et al. The *Times*-Cohn 1979-1980 operation against LaRouche was continued as an integral part of the 1982-1983 Kissinger initiative against this writer and his associates. A related, fraudulent operation was run during the mid-1980s, through the OSI and other corrupt sections of the Justice Department's Criminal Division, against Austria's President, former UNO Secretary General Kurt Waldheim.

Among the OSI cases run by the corrupt Criminal Division (under Deputy Assistant Attorneys General John "Jack"

Keeney and Mark Richard) the Demjanjuk case is notable for both its flagrancy, and for the fact that, in that case, the Criminal Division was fully exposed by Federal courts, as a down and dirty sink-hole of political corruption. The record shows, that from 1978 into the early 1990s, that Criminal Division, all the time knowing that Demjanjuk was innocent of the charges it was pressing against him, sought to bring about Demjanjuk's death, and, even today, still refuses to acknowledge that its case was a fraud from beginning to end, despite a land-mark ruling against the Department's "fraud upon the court" in that case, by the Sixth Circuit, and despite the U.S. Supreme Court's rejection of the Justice Department's attempted appeal of the Sixth Circuit decision.¹³

The flagrantly racist conduct of the FBI and U.S. Department of Justice's Criminal Division, in the so-

13. See Sept. 1, 1995 testimony by Demjanjuk's Israeli attorney, Yoram Sheftel, *Independent Hearings To Investigate Misconduct by the U.S. Department of Justice* (Washington, D.C.: Schiller Institute, October 1995), pp. 49-56.

called “Frühmenschen” targetting of elected African-American officials,¹⁴ indicates the scope of the pervasive stink of the political corruption of justice in these United States today. A glance at the overall effect, completes the essential case showing pervasive corruption in the U.S. Justice system.

As a by-product of his own victimization by such political corruption in that U.S. Department of Justice, the present writer has a significant, if partial view of the extent of wrong-doing by our Federal prosecutors and courts.

Although, the writer can say, fairly, that probably ninety-five percent, or perhaps more, of the Federal prisoners in custody had relevant apparent culpability, relatively few were convicted and sentenced by procedures deserving of the name of “due process.” “Winning team” expediency by score-conscious prosecutors and courts, not justice, was the attributable motive in the majority of convictions sampled, especially under the reign of the lunatic “sentencing guidelines” legislation. Corrupt “plea-bargaining” helped unscrupulous prosecutors rack up tallies in the hits and runs columns, but also helped the “big fish” escape the charges due them, through trade-offs of those “little fish” who often serve long sentences in their stead. The sentencing guidelines, and Federal abandonment of all meaningful programs of rehabilitation of convicts, work to the worst effect on the families, and the communities from which the convicted “little fish” are taken.

The apparent general conclusion which might be offered, respecting the current state of criminal justice, overall, is that the skyrocketing, post-Nixon rate of Federal and state convictions, per 100,000 of population, suggests that, as of 1989, prior to Ambassador Robert Strauss’s dispatch to Moscow, the United States’ citizens had become, arguably, either the most criminally inclined people of this planet, or a people afflicted with the most corrupt criminal justice system. This writer’s opinion, is that there is more than a bit of truth to both those possible inferences. Notably, the blend of post-1963 spread of the drug-culture, and spread of poverty-linked cultural pessimism, have increased the incidence of criminality in our population, while that drug-polluted pessimism and propensity for criminality, has been increased by the manifest political corruption of the criminal justice system.

Nothing contributes more efficiently to the infec-

tious spread of a criminal disposition, than the perception, “There ain’t no justice, no-how.”

So, when some demagogue seeking election prattles about “Upholding the law,” ask him, “Which law? Whose law?” How can one speak of “law” in unctuous terms of reference, when, by use of law, Speaker of the House Newt Gingrich’s “Contract on Americans,” is determined to kill many among those Americans whom the Nazis’ code would have identified as “useless eaters”—unwanted children, the aged, the indigent sick, and so on—just as Hitler’s Nazis would have done, also by rule of law, back during the 1930s, or as Reform Party Presidential pre-candidate Richard Lamm proposes still today? The U.S. law today stinks of corruption; the wonder is: Which is worse on that account, the negligent way in which the legislatures make law, or the manner in which the prosecutors and courts purport to enforce the statutes? Who is the honest citizen, and which is the criminal? These days, the official answer may depend upon the whim of the law-maker, the corruptly zealous, politically motivated prosecutor, or a court which has forgotten what “law” used to mean.

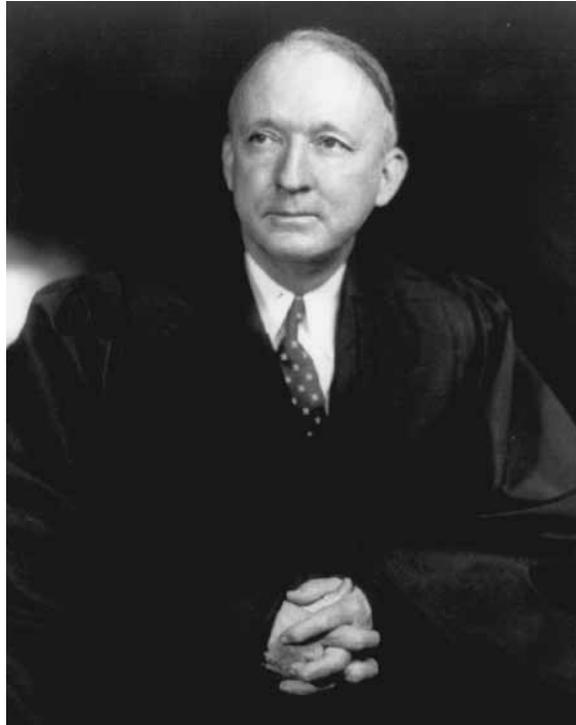
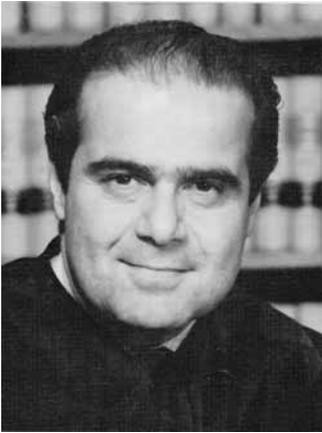
Whose Law Shall We Obey?

Who shall protect our nation and its people from what has become such a corrupt system of justice? The practical side of the matter requires the relevant remedies available to President and Congress, combined: Two branches of our Federal government, acting with support of the citizenry, are required, under our Federal Constitution, to clean up the erring third branch. The President, with the support of Congress, can clean out the pus from the present Justice Department; together, they can clean up the Federal courts. As our nation’s earlier history has shown, once over those hills, the work proceeds easier.

However, to clear the vision of the President, the legislators, and the citizens, in such matters, the assistance of statesmen and philosophers is required. Consider the observations contained here as written with the author’s authority of a statesman and philosopher, in that Leibniz tradition upon which our 1776 Declaration of Independence and 1789 Federal Constitution were premised.

We submit and examine the proposition, that the root of the general corruption of U.S. law, and our Justice system, can be accounted for, almost entirely, by the popularity of that philosophy of law, John Locke’s empiricism, against which the U.S. Federal Republic

14. *ibid.*



Spokesmen for Confederate "justice" in America. Associate Justice Antonin Scalia (left) and Justice Hugo Black (right). Black is the forerunner of the kind of "democratic" lynch-mob justice to be expected from today's radical "neo-conservative" followers of John Locke.

was constituted. The apology for such types of empiricism, by Justice Antonin Scalia, identifies, with Scalia's customary cleverness, the nature of the moral depravity rampant in today's justice system.

In a recent public statement, Justice Scalia defended that presently pervasive corruption. He purported to justify such immoral practices, in both law-making and the judicial system, with the argument that such arrangements in law must be tolerated, because they are "democratic":

"I do not know how you can argue on the basis of democratic theory that the government has a moral obligation to do something that is opposed by the people.

"If the people, for example, want abortion, that state should permit abortion, in a democracy. If the people do not want it, the state should be able to prohibit it as well. . . .

"To talk about the natural law is not to talk about something we all agree upon."¹⁵

15. "Scalia Says State Should Allow Abortion If Majority Wants It," by John Travis, *Arlington Catholic Herald*, Arlington, Virginia, May 16, 1996, p. 12. Scalia made the remarks on May 2 at a Rome conference sponsored by Gregorian University.

In choosing that line of argument, Justice Scalia adopted a philosophy of law premised upon an even more radical positivism than the notorious system of justice under the pre-World War II period of the Adolf Hitler government in Germany. Whereas the Nazi system of Carl Schmitt, et al., was derived from the Romantic school of law of G.W.F. Hegel's crony, the neo-Kantian Professor Karl Savigny, Scalia's argument is a more radically barbaric form of positivism, the form derived from both the irrationalist, "Life, Liberty, and Property" dogma of England's John Locke, and the moral indifference of Friedrich von Hayek's Bernard Mandeville.¹⁶

Scalia might thus lay claim to a Woodrow Wilson award from Nashville: The Locke doctrine which Scalia espouses, was summoned by the Confederacy, and by the Ku Klux Klan which Wilson and Hollywood's Sam Goldwyn apotheosized, to defend the institution of chattel slavery.¹⁷

Mention of the role of Locke's corrupting influence within the law-making and judicial practices of English-speaking North America, warns us, that the roots of Scalia's wild-eyed doctrine reach back centuries. The emphasis upon the Ku Klux Klan is eminently relevant, nonetheless: the present form of the problem which Scalia's argument typifies, dates to that specific degen-

16. This comparison of Nazi and Lockean forms of radical positivism in law, was suggested, during early 1989, by one of Europe's leading legal authorities, the late Professor Friedrich von der Heydte, who also pointed out the almost exact parallels between the politically motivated, Alexandria, Virginia Federal prosecution of LaRouche, Billington, et al., and France's politically motivated, fraudulent conviction of Captain Dreyfus.

17. Hollywood moguls Samuel Goldwyn and Louis Mayer, of later Metro-Goldwyn-Mayer notoriety, played sundry leading roles in the production and distribution of the first Hollywood feature-length film, originally released under the title of *The Clansman*, subsequently renamed *The Birth of a Nation*. This film was praised, from the U.S. Executive Mansion, by President Woodrow Wilson. Wilson's endorsement became the signal for a revival of the Ku Klux Klan, reaching an estimated 4.5 millions persons during the course of the 1920s.

eration of the Federal justice system, the which came to the surface when Ku Klux Klan Kleagle Hugo Black covered his white Klan robes with the black robes of a Supreme Court Justice.

How could it be otherwise? The notable U.S. expressions of tendencies toward fascism, have always been rooted either in Romantic recollections of the Confederacy's "Lost Cause," or a spirit akin to that. We may speak of "Nashville Romanticism": *every man his own lost cause*. Typical is such corn-cob, lynch-mob "democracy" as the "I vote to string him up" tradition of populist fanaticism, traced through Confederate General and early Ku Klux Klan leader Bedford Forrest, from the political trial and execution of Socrates.¹⁸ The most mass-murderous of the pro-fascist tendencies on the U.S. political scene today, Newt Gingrich's congressional "Crittter Company," are typified by populist deserters from the Democratic Party, like ex-Georgian ex-Democrat Phil Gramm, whom the Republican Party's "Southern Strategy" picked up cheap at a Boll Weevil auction. It should be "Kristol clear," that so-called "Democrat" Hugo Black is the relevant forerunner of the kind of "democratic" lynch-justice to be expected from today's radical, "neo-conservative" followers of John Locke.

The Church-State Issue

How is it, that so many Americans seem to have overlooked the pungent body-odor of such uncivilized "Crittters"?

There are two leading, immediate issues presented by Justice Hugo Black's role in fostering the present degeneration of U.S. law-making and justice. The relatively more superficial issue was Black's doctrine, of separation of not only church, but also Christian morality, from law, the latter a view which Jefferson held, in opposition to the U.S. Federal Constitution. The deeper question is: If Black were axiomatically in error constitutionally, as he was, by what standard should we judge whether the relevant principle inhering in that Constitution were correct?

18. Lynch-mob democracy does not limit its choice of burnt offerings to African-American scape-goats. During the period of the 1996 primary campaigns, this writer had the opportunity, as a Democratic Presidential candidate, in various "candidates events," during some of which he witnessed the arguments of candidates for criminal-appeals justices and prosecutors' positions. Notable, and disgusting, was the frequency with which rivals were denounced for "voting their conscience, rather than giving the public what it wants:" that is nakedly lynch-justice, like some Supreme Court rulings which Justice Scalia co-sponsored.

Let us begin at the surface, as were one some noble, dedicated dog, digging vermin out from under the pasture: Hugo Black's insistence that the Bill of Rights prescribes an absolute separation of church from state. Black cited Jefferson as his authority for this opinion. Was Black accurate respecting Jefferson's opinion? Yes. Black's fraud lay in his two-fold sleight-of-hand: he substituted the intent of Bill of Rights sponsor, the eccentric, anti-Federalist Jefferson, for the intent of those, Jefferson's political opponents of that time, who crafted the Federal Constitution over his objection.¹⁹

As Philip Valenti and others have documented this fact, the post-1688 conspiracy leading to the 1776-1783 U.S. War of Independence, was rooted in the American patriot's choice of Gottfried Leibniz, in opposition to that of Jefferson's and the later Confederacy's guru, John Locke.²⁰ This is typified by the appearance, in the 1776 U.S. Declaration of Independence, of "life, liberty, and the pursuit of happiness," in explicit rejection of John Locke's "life, liberty, and property."²¹

The *Federalist Papers*, and Tom Paine's warning against democracy's use as a substitute for republican principles of law, illustrate the point: the founders of our Federal republic relied upon a view of history rooted in Classical Greece. Otherwise, some of the bitterest memories and deepest fears of our Eighteenth-century patriots, were focussed upon the lessons of the Venice-orchestrated, ruinous, religious wars of the Sixteenth and Seventeenth Centuries.²² Our patriots shared

19. Hugo Black's Jeffersonian view of the U.S. Constitution finds support in the revisionist theory of history presented by the British-trained socialist, Charles Beard. Beard mimics Jefferson's hostility to Federalism in his own venomous libel against the 1787-1789 drafting of the Federal Constitution.

20. Phil Valenti, *EIR*, Dec. 1, 1995, "The Anti-Newtonian Roots of the American Revolution." On the origins and initial formation of this American conspiracy, see H. Graham Lowry, *How The Nation Was Won* (Washington, D.C.: EIR, 1987), *passim*. On the historical root of the factional divisions between patriots and American Tories within North America, see Anton Chaitkin, *Treason in America*, 2nd ed., (New York City: New Benjamin Franklin House, 1986).

21. G.W. Leibniz, *Society & Economy*, J. Chambless, trans., *Fidelio*, Fall 1992, pp. 54. Also, G.W. Leibniz, *New Essays Concerning Human Understanding*, A.G. Langley, trans. (Chicago: Open Court, 1949). On the meaning of Leibniz's use of the term "happiness," see below.

22. Not only were the Plantagenet Cardinal Pole and Thomas Cromwell, like Francesco Zorzi, assets deployed in Tudor England by Venice. The prolonged war for independence of the Netherlands is another outstanding case. What the martyred Henry IV of France had delayed, became the 1618-1648 "Thirty Years War" sought by Venice's powerful Paolo Sarpi. The spillover of the Thirty Years War into Britain, supplied a new dimension to religious warfare there.

bitter reflections upon the bloodied history of the Established Church of England. In sum, the founders of the U.S.A. were profoundly committed to the axiomatic features of western-European Christian civilization, but fearfully opposed to the existence of an *established church*.²³

For their attempted resolution of the intertwined problems of established church and religious wars, the founders of the U.S.A. were influenced chiefly by the ecumenical thinking of G.W. Leibniz. In sum, the state should not be controlled by the sectarian doctrines of a particular church, but must be controlled, nonetheless, by the moral principles inherent in *natural law*. It is this natural law on which the principal founders of the United States premised that Federal constitutional republic, to whose establishment Jefferson had been opposed.

That is the backdrop, against which to judge the essential folly permeating the referenced doctrines of Hugo Black and Antonin Scalia.

The natural law is comprised of those moral principles, including notions of God, and relationship between God and man, which might be adduced with scientific certainty, although no religious text had ever been written. The twisted mind of the fanatical sectarian sometimes denounces this view of “natural law,” as allegedly “Deism,” as an affront to those mystical claims which are often represented as tenets of this or that private-labelling of “revealed religion.”²⁴ No one

23. This would implicitly prevent Mr. Reed’s so-called “Christian Coalition” from arrogating to itself the functions of an “established church.” In any case, while Mr. Reed’s arch-hypocritical crew might pretend merely to defend fetuses, it is often, like allies Oliver North and Newt Gingrich’s “Contract on Americans,” indifferent, or even homicidal, respecting the lives of such matured fetuses as pregnant mothers and the aged. Granted, some would interpret the referenced patriotic views on “established church” as echoing the “conciliar” movement which dominated the pre-Florence councils of early the Fifteenth Century; ecumenist Gottfried Leibniz, and his followers, did not support the democratic notions of the “left-wing” “conciliar” tradition.”

24. On the contrary, as the Gospel of St. John and the Epistles of St. Paul make clear to all who are literate, the Apostolic Christian tradition based itself on the authority of Plato’s view of natural law. The point is, that Christianity is premised not on simple-minded, symbolic reading of excerpted texts of Scripture, but rather upon those truths of Christian teaching which reason will not contradict. Unlike the lunacy of the Nostradamus cult, Christianity is not based on magical interpretations of supposed prophecy, but upon its authority as demonstrably truthful according to the principle of reason. It is of special importance, that none of the forms of irrationalist belief in magical recipes, as associated with sectarian cults, be imposed upon the state; but, this does not mean that Kleagle Hugo Black’s cult of anti-Christian secularism should replace

had made the principle of natural law clearer to the founders of our republic than Leibniz. Like Leibniz, the circles associated with Cotton Mather and Benjamin Franklin recognized, that the superiority of the modern, western European model of nation-state republic, over other choices of organization of society, had been derived, as Augustine of Hippo had stipulated, from the application of Christian principles to the Classical Greek designs of Solon and Plato. They viewed the coincidence of a secular body of natural law with Christianity, accordingly.²⁵

Thus, to introduce the paganist model of separation of church from state, in the form advocated by Justices Hugo Black, Antonin Scalia, et al., would mean to exclude the presumption, at law, of any demonstrable, axiomatic authority for any *moral principles which coincide with those of Christianity*. Scalia, for example, has drawn precisely that presumption from his radical-positivist’s perversion of “democracy.” He states, that he is willing to allow Christian opinion to persuade a democratic majority among law-makers, but he prohibits the attribution of any axiomatic principle of morality to the body of law. In this respect, Scalia is a neo-Cartesian, a radical positivist of a relatively extremist disposition.

Leibniz’s relevant comments on articles 37 and 39 of the first part of René Descartes’ *Principles* illustrate the point. We cite from the Schrecker translation.²⁶

To Descartes’ “37. Man’s greatest perfection is the power of free will, and this is what renders him worthy of praise or blame,” Leibniz responded as follows:

“On *Article 37*. Man’s greatest perfection is to act [according to reason],²⁷ no less than to act

the natural law which reason finds embedded in Christian morality.

25. Although natural law may not incorporate all that sundry factions of Judaism or Islam might wish to incorporate as law, no leading current derived from the monotheism of Moses would exclude the authority of the natural law as natural law were competently defined, for example, by western Christianity. Thus, a republic, such as the U.S.A. was founded to be, is intrinsically a suitable sort of ecumenical habitat for any branch of Moses’ monotheism. As Leibniz stressed, this ecumenicism extends implicitly to the heritage of Confucius and Mencius in China.

26. G.W. Leibniz, *Monadology and Other Philosophical Essays*, Paul and Anne Martin Schrecker, trans. (New York City: MacMillan Publishing Co., 1965), pp. 34-35. The passages from the Schrecker translation have been slightly amended by this writer, on the authority of his own deep familiarity with Leibniz’s method of thinking, and his abhorrence of the want of civilized punctuation in prevailing, illiterate conventions of the *New York Times* and other current arbiters of English prose style.

27. The Schrecker translation reads “to act reasonably,” which is an un-

freely; or, rather, the two are one and the same, since he is the more free, the less the use of his reason is troubled by the influence of [erotic—LHL] passion.”²⁸

To Descartes’ “39. That our free will is known without proof, solely by our experience of it.” Leibniz replies:

“*On Article 39.* To ask whether freedom depends upon our will, is the same as to ask whether our will depends upon our will. For ‘free’ and ‘voluntary’ mean the same. Freedom is spontaneity directed by reason, and, ‘to will,’ is to be carried into action by reasons perceived by the intellect. Action is free, in proportion as reason is pure, and unclouded by brute and confused perceptions....”

For Leibniz, the principles of reason govern the will of the civilized, moral person, in a sense analogous to the selection of those theorems of geometry which do not violate consistency with the relevant hypothesis (i.e., axioms, postulates, definitions) underlying that choice of geometry, taken as a whole. By “reason,” or “necessary and sufficient reason,” Leibniz, like Plato and Johannes Kepler before him, means much more than a mere formal logic. His Platonic use of the term, “reason,” signifies the faculty by means of which mankind has been able to replace both fallible and insufficient axioms, postulates, and definitions, with measur-

Leibnizian rendering. To act according to reason, as Leibniz defines “necessary and sufficient reason,” is Leibniz’s intent in all locations where this point is addressed by him, not the misuse of the term “reasonably” as commonly employed by the corruption which passes for today’s English prose style.

28. Since the Classical Greek of Plato, as carried over into the usages of St. Paul’s Epistles, two distinct qualities of emotion are recognized. *Eros* (erotic passion), in both its sexual and other connotations, pertains to the passions associated with distinct objects of sense-perception (whether actual or merely fancied). *Agapē*, conventionally translated into Latin as *Caritas*, or the King James’ *Charity*, signifies for Plato the quality associated with love for truth, and love for Justice. This also signifies “love of God,” “love of mankind,” and those ideas which exist only as *Platonic ideas* of scientific knowledge, as distinct from directly perceptible sense-objects. Thus, we must distinguish *agapic* passion, as passion for truthfulness respecting principles of reason, from the *erotic* passions of strict materialism and empiricism. See the text, below, for relevant references to the natural-law significance of this distinction.

ably valid (e.g., superior, efficacious) alternate notions of governing principle.²⁹

Thus, for Leibniz, as for the present writer, morality is not some list of “do’s and don’t’s,” posted, like “ukases,” in the Czar’s village square. Morality is located in those discernible principles of our universe (axioms), the which must govern our construction and adoption of those propositions which we select to serve as the theorems of obligation and prohibition.

Granted, in the widespread practice of religion, the believer has often been a simple fellow who assumes that his church has worked out such a reasonable selection of moral theorems, as doctrine. Sometimes, that necessary, higher authority, which he follows blindly, is correct, in greater or lesser degree. However, the fact, that blind faith in higher authority, as such, may provide just guidance in some cases, must not be summoned as premise for the sophistry, that the authority which might be attributable to a moral teaching is itself rooted axiomatically in blind faith.

The immorality of Justice Scalia’s argument, is shown most efficiently by treating his arguments for “democracy” as the kind of Cartesian tradition whose folly Leibniz exposed in the cited references above. The “freedom” which our Federal Republic’s founders defended, was not the Hobbesian idea of “freedom,” of war of each against all, as suggested by Descartes, John Locke, and Adam Smith.³⁰ “Freedom” is not license to

29. Putting aside some sloppy definitions supplied by certain putative “authorities,” Leibniz’s use of “necessary and sufficient reason” (where mechanistic thinkers employ “cause”) is situated in his pervasive reliance upon Plato’s Socratic *method of hypothesis*. An hypothesis is the interdependent set of axioms, postulates, and definitions, the which underlie any not-inconsistent *theorem-lattice* (i.e., array of known and possible theorems which are mutually not-inconsistent throughout the array). The set of axioms, postulates, and definitions satisfying that requirement for a theorem-lattice, is an *hypothesis*. Given, for example, any discovered physical principle shown to be valid by means of crucial kind of experimental measurement. Given, then, a crucial event within a physical geometry cohering with that principle. In that case, as Bernhard Riemann’s method argues, the *hypothesis* incorporating that principle serves as the identifiable “necessary and sufficient reason” for any crucial event occurring within that physical geometry. Classical examples of this include, the coherence (“general relativity”) which Jean Bernoulli and Leibniz demonstrated, between isochronicity in the gravitational field, and refraction of light at constant retarded potential for propagation of light. This typifies Leibniz’s refined application of Kepler’s employment of “reason.”

30. Adam Smith’s apology for Bernard Mandeville’s absolute immorality of “free will,” first appears in print in Smith’s 1759 *Theory of the Moral Sentiments*, and as the doctrine of the “Invisible Hand,” in



Rene Descartes (left) and Gottfried Leibniz (above). The “freedom” which our Federal Republic’s founders defended, was the freedom of Leibniz, based on reason—not the Hobbesian idea of “freedom,” of war of each against ali, advocated by Descartes.

follow one’s whims at society’s expense. “Freedom” is the obligation and right to act according to *reason*, as the scientists Kepler and Leibniz defined the use of the terms *reason* and *necessary and sufficient reason*. It is the obligation and freedom to act as such reason demands we act, even, when, “in the course of human events,” this signifies morally obligatory defiance of an unjust political or financier authority.

The positivist doctrine in law, either as Scalia’s view of “democracy,” or, the same doctrine in its anti-democratic guise, as Nazi law, is always intrinsically immoral, precisely because the doctrine rejects the obligations of reason, because it insists that morality consists in nothing other than obeying established covenants of positive law, ethics, or Kant’s and Savigny’s notions of custom.³¹ For unfortunates such as Scalia, as was the case for the Nazi government, the enactment of even a single, arbitrary law, can change radically the mandatory morality of an entire nation. Precisely so, in the relevant case of first impression, did mass-murderers in

Court Justice Robert Jackson, and Philadelphia’s Nuremberg-Trial Judge Francis Biddle, upheld the principle under which Ridge is to be adjudged guilty of a Nazi-style crime. The relevant doctrines of Scalia and of the Nazi regime are, thus, efficiently equal in this respect.

The founders of our republic would have agreed with this writer, and with Leibniz: that, were we to attempt to make such a radical separation of morality from law, as Scalia does, we would virtually ensure, as the German supporters of Hitler did earlier, the early ruin of our nation, plunging us all into the chaos such folly had brought upon us and our posterity.

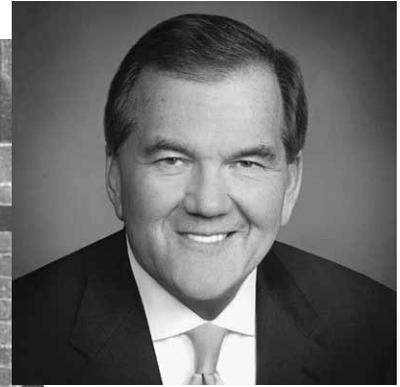
Admittedly, out of fairness to Justice Scalia, we must give the Devil his proverbial due. In the alternative, were we to impose upon the state the contemptible hypocrisy of Reed’s Christian Coalition, to prohibit abortions, but to tolerate “conservatives” who demand “triage” of “useless eaters” (as by means of mass-murder of aged, sick, and poor, such as economic-austerity measures in the cause of “free trade” ideology), we would be imitating thus, *exactly*, those criminal, but *aggressively pro-natalist* policies which the mass-mur-

the 1946 Nuremberg proceedings attempt to justify their crimes against humanity, as according to the prevailing law at that time. So, did morally corrupted U.S. courts uphold the “Jim Crow” system of such pro-Confederacy Presidents as Theodore Roosevelt and Woodrow Wilson.

Just so, have apologists for today’s Nuremberg-style criminal, Pennsylvania Governor Tom Ridge, who purported to excuse Ridge’s fully witting crimes against humanity. The Pennsylvania-born Nuremberg prosecutor, U.S. Supreme

Smith’s 1776, anti-American tract, *The Wealth of Nations*.

31. e.g., Custom: *Zeitgeist, Volksgeist*.



Ovens at the Dachau concentration camp. Inset: Pennsylvania Gov. Tom Ridge. The Nuremberg prosecutors “upheld the principle under which Ridge is to be adjudged guilty of a Nazi-style crime. The relevant doctrines of Scalia and of the Nazi regime are, thus, efficiently equal in this respect.”

derous Adolf Hitler regime began during the 1930s. The point is, that the so-called Christian Coalition, like Antonin Scalia, operates under the governance of *no consistent moral principle*, but, rather, relies upon the self-righteous hypocrite’s “single-theorem” sophistry. One suspects that they would overlook Adolf Hitler’s gas chambers for the sake of unity against abortion; there is no Adolf Hitler presently available to test that proposition, but Reed’s Christian Coalition has found a serviceable surrogate in Newt Gingrich’s “Contract on Americans”—to impose upon Gingrich’s flock the title demanded by “truth in advertising” policies.

Both Justice Scalia and the Christian Coalition share a common lack of moral principle: the sophist’s *method* in law; Scalia’s relative moral advantage, over the Christian Coalition,³² is, that he has confessed his immorality to be such, publicly, whereas, Reed’s Christian Coalition wants Scalia’s candor.

Like the radical, land-grabbing, Zionist zealots who assassinated Israel’s Prime Minister Yitzhak Rabin, Reed’s Coalition demonstrates the menace in permitting the state to be subjected to “the revealed dogma” of hypocritical sophists. Thus, the Constitution’s appended Bill of Rights is correct, in requiring the separa-

tion of the state’s law-making from the caprices of sectarian religious bodies, such as Reed’s array of sententious hypocrites. Nonetheless, having once given the Devil his due, Hugo Black and his followers, such as Justice Scalia, were flagrantly immoral, in deriving from a doctrine of separation of “state from an established church,” the inconsequential, irrelevant, immoral, and unlawful dogma, of separating the morality of non-sectarian *natural law* from the axiomatic moral basis which must control all law-making.

No thoughtful Christian could sustain an objection to this. The essence of Christianity is the quality of evangelism stressed by Paul’s *I Corinthians 13*. Without *agapē*, all supposed moralizing, or putative good deeds, are without credit to the actor. Without *agapē*, the doer of a good deed is no better than a millstone, which grinds the grain without being itself spiritually ennobled. It is winning people to love of that quality of truthful principle suited to *agapē*, and practicing that principle, which is the Christian’s concern. To defend reason and life, in all human manifestations, is a principle of natural law, which must be served indivisibly, without sophist’s quibbling. It is the principle of natural law, which the Christian will recognize as the issue to be taken up against such pagan Justices as Hugo Black and Antonin Scalia.

The point is, no church has the intrinsic authority to impose what morality shall be respecting the law of the

32. From Brother Reed’s performance to date, one might speculate, that the original “Christian Coalition” were a Princeton University-style eating club, organized by the lions of pagan Rome’s Colosseum.

nation-state, *if that determination be contrary to a clear and distinct foundation in a body of natural law derived from nothing but reason*. Scalia is right, therefore, to insist that the law must not be premised upon what mere “blind faith” decrees to be morality. Scalia is in grave error, in omitting the merely positive law’s obligatory submission to the higher authority of reason, of natural law.

Lest there be some doubt of the necessity of natural law: In place of religious blind faith, Scalia substitutes the panic of the heathen mob drunk with its own assortment of blind passions. Scalia replaces the church with the corrupting, erotic passions of satanic Bernard Mandeville’s pleasure-palace, and wicked Adam Smith’s market-place; in matters of law, Scalia is a communicant of the pagan low church of Friedrich Nietzsche’s and Martin Heidegger’s *Dionysos*. The latter is a church which must, indeed, be separated from our state.

Obviously, if a church has command of the principles of natural law, then it must be acknowledged as a proper, expert counsellor of the state, on that account. However, rewards in Heaven, and punishment in Hell, must be determined in courts which are capable of efficiently awarding those destinies, not earthly courts. We mortals have enough on our hands, in administering a natural law whose matters can be heard in our earthly courts, were those courts moral ones. As eyewitnesses Michael Billington and Jacques Cheminade can expertly attest, to find an honest earthly court to hear earthly matters, under the law condoned by the highest courts, in Scalia’s U.S.A., or Jacques Chirac’s France, today, already partakes of the miraculous.

Before leaving the matter of church and state, there remains an additional, major consideration, under this heading, which must be identified now. Today, the role of natural law per se—as distinct from a confessional doctrine—has a far more immediate practical importance for the United States, than at any earlier time.

Modern, western-European civilization, of which all of the nations of the Americas are expressions, was developed under the influence of western Christianity. Were we to abandon that Christian culture, our societies would collapse rapidly. Yet, the world of the future is centered in the Eurasia continent, where East and South Asia represent approximately half the population of the world. The most populous religious cultural matrices of the region, are not Christian, but Islamic, Confucian, Hindu, or Buddhist. Islam, as a branch of Mosaic monotheism, is more readily accessible to the comprehension

of the western European. As Leibniz was the first to demonstrate, there are subtle, but powerful cultural affinities, respecting natural law, between western Christianity and the Confucian heritage.³³

To the degree these religious-cultural differences can be bridged, and not all can be readily bridged, it is only from the standpoint of natural law that this could be accomplished. The point may be clarified by proposing here, that natural law may also be identified, with some qualification, as “ecumenical law,” not in the sense of pragmatists such as William James, but in Leibniz’ sense of the matter, or that of Nicolaus of Cusa, earlier. The implications of this will become clearer as we summarize the scientific proof for the rudiments of a universal natural law, below.

By the applicable standards of natural law, law-making and courts in the U.S.A. and elsewhere today, are in a morally degraded state. Scalia’s exclusion of morality has already prevailed, and the result is a catastrophe. He were better advised to reflect on reversing the calamities produced by his own savagely erroneous present opinion, than to continue to justify that recipe, Hugo Black’s and his own, which has produced such inedible dishes.

If those lines of argument made here thus far, be granted, there remains an important, additional hurdle, yet to be surmounted: How shall we determine, with scientific certitude, what should be recognized as constituting the *natural law*? We turn now to that matter.

Physical Economy and Natural law

As we have presented that evidence, in various earlier locations, a study of the demography of Earth, within the setting of the ecological conditions existing during the recent two millions years, suffices to prove three crucial principles.

First, the increase of mankind’s potential population-density, and also our species’ improved life-expectancy and productivity, demonstrates, that the human individual is set absolutely apart from, and superior to all other living species, as *Genesis* 1:26-30 argues.

Second, a retrospective view of the improve-

33. “Discourse on the Natural Theology of the Chinese (1716)” in *Gottfried Wilhelm Leibniz, Writings on China*, edited by Daniel J. Cook and Harry Rosemont, Jr. (Peru, Illinois: Open Court Publishing Co., 1994).

ment in human demography, referenced to the post-1461 establishment of the modern, western European form of nation-state, shows that this improvement in demography, is the consequence of the combination of general education, with the fostering, through means of the individual mind's creative, cognitive processes, of scientific, technological, and related discoveries of principle. It is nothing other than this creative potential, typified by valid discoveries and employment of principles of nature for scientific and technological progress, which sets mankind apart from, and above all other species.

Third, that the struggle which defines human history, to date, is between the efforts to establish a form of state based upon universal education for ongoing scientific and related progress, and against the evil heritage of so-called "traditionalist" and oligarchical (e.g., feudal-aristocratic, financier-aristocratic) forms of society, such as those conforming with the evil Code of the Emperor Diocletian.

Thus far, those three principles can be demonstrated by no more than appropriate application of the methods of experimental physics. We must not start with any choice of formal mathematics, but only the principle of measurement, as Nicolaus of Cusa laid down the foundations of modern European science in his *De docta ignorantia*.³⁴ An appropriate mathematics must not be adopted until after the crucial measurements have been completed. A rigorous proof of the existence of these three principles requires measurements must be made in terms of the branch of physical science known as *physical economy*.³⁵

34. Cardinal Nicolaus of Cusa, *De Docta Ignorantia (On Learned Ignorance)*, translated by Jasper Hopkins as *Nicholas of Cusa on Learned Ignorance* (Minneapolis, Minnesota: Arthur J. Banning Press, 1985).

35. For an introductory textbook in physical economy: Lyndon H. LaRouche, Jr., *So, You Wish to Learn All About Economics?* (Washington, D.C.: EIR, 1995). That text provides an adequate guide for the reader with a background in any branch of engineering which employs the methods of input-output measurements based upon process sheets, bills



LaRouche associate Jacques Cheminade (right) campaigns for the French Presidency in April 1995. Cheminade has been subjected to a travesty of justice in France, which parallels that of Billington et al. in the United States. On Aug. 2, the French government seized his bank account, in a ludicrous attempt to collect the million francs in matching funds that the state had advanced for his Presidential campaign. Now that the campaign is over, and the money spent, the government is demanding that he personally return the funds.

The emphasis upon physical economy signifies, among other implications, that money, credit, and debt, have never existed except in the form of political fictions, and that any effort to derive a theory of economy based on such measurements in such units (or upon the related political fictions of "marginal utility"), must lead to absurdities. Competence begins by rejecting any assumption implying that the function of "economics" is to present a "theory of business."³⁶ Economics must signify reliance upon physical facts (such as products, market-baskets of physical goods, etc.), and upon necessary *physical principles* adduced by crucial experimental demonstrations of proof based upon such facts.

The central significant fact of physical-economic measurements of societies taken as indivisible wholes, is that this approach enables us to demonstrate, by the standards of experimental physics, both certain princi-

of materials, and market-baskets.

36. Rather, "business" should be judged as an optional function of *physical economy*, for reasons to be stressed below.

ples of the human cognitive processes, and certain corresponding, general principles of nature. Furthermore, in this way, we are able to obtain relevant measurements, by means of which to prove certain crucial, subsidiary principles. The result is meaningfully termed “natural law,” in the sense that natural law signifies the way in which both mankind, and the universe, have been *manifestly pre-designed to function, and to interact*. That may be restated: *Natural Law is the hypothesis which corresponds to the necessary and sufficient reason for mankind’s successfully continued existence.*

Consider next, the general characteristic of successful human existence. The approach of experimental physics, shows us a most crucial general principle, underlying the growth of human population under conditions of both increased per-capita productivity, and improved demographic characteristics.

The level of potential physical productivity of a society, per capita, per household, and per relevant square kilometer of the Earth’s surface, depends both upon a certain development of the human intellect, and also certain minimal standards of both demographic characteristics and consumption. The consumption includes a standard of *functionally necessary* household consumption, functionally-necessary consumption for necessary basic economic infrastructure, and functionally-necessary consumption for production and related functions of output of goods. This minimal level of requirement is increased, in terms of knowledge, and of demographic and market-basket requirements, as the transition to a higher general level of potential physical productivity is made.³⁷

This notion of functionally-determined minimum levels, is conveniently deposited under the schoolbook heading: “Energy of the System.” The introduction of that notion, obliges us to consider the function associated with society’s output in excess of “Energy of the System” requirements, obviously the function of “Free Energy.” However, since advancement requires “investment” in higher per-capita and per-square-kilometer rates of “Energy of the System,” it might appear to a schoolboy not familiar with economics, that the ratio of “Free Energy” to “Energy of the System” must decline as relative “capital intensity” is increased through technological progress. On the contrary, in all successful cases, the ratio of “Free Energy” to “Energy of the System” does not decline, despite the increase in the

“Energy of the System” per capita, per household, and per square kilometer. This latter performance may be termed “The Not-Entropy of the Economic Process,” i.e., a defiance of the so-called “Law of Entropy.”

Thus, Leibniz’s (and U.S. Treasury Secretary Alexander Hamilton’s³⁸) notion of *the productive powers of labor* is expressed in an interdependency of two measurable terms: a) ratio of free energy to energy of the system, and, b) energy of the system per capita, per household, and per square kilometer for the society considered functionally as an indivisible whole. The productive powers of labor of the individual within that society, are a function of the impact of the activity of that individual, upon the productive characteristics of the society as a functional unity.

The implied “isotherm” for productive powers of labor (per capita, per household, and per square kilometer), is expressed by the inequalities indicated above: a) the ratio of “free energy” to “energy of the system” must be significantly greater than “zero,” and not decline; b) the “energy of the system” (per capita, per household, per square kilometer) must increase.

The notion expressed by that pair of inequalities, is premised, inclusively, upon the physical demonstration, that continued output in a fixed mode, incurs the “entropic” effects of marginalized resources. This suggests that scientific, technological, and related expressions of progress, is mandatory, and that a policy of the type implied by “zero technological progress” is suicidal, is not an available option for any survivable mode of human existence. That is to say, that the potential relative population-density, demographic characteristics, and quality of individual daily life of the society, must degenerate under the influence of such a policy.

This demonstration leads to a corresponding, generalized, functional notion of “technological attrition.”

The fact that successful existence of the human species depends upon such a “not-entropic” result, achieved through scientific and related progress in generalized social practice, prompts us to regard that “not-entropic” function we have identified here, as of extraordinary significance. That significance may be expressed in various ways, according to the vantage-point from which we examine it. In general, we should say, that this “not-entropy,” is the smiling face which the universe presents to us, when we provoke that universe

37. Cf. Gottfried Leibniz, *Society & Economy (1671)*, loc. cit.

38. Alexander Hamilton, *Report to the U.S. Congress: On the Subject of Manufactures*, December 1791.

with the employment of a valid, axiomatic-revolutionary discovery of principle of nature, either as a scientific principle, or as an improved technology derived from such a validated principle.

The method of experimental physics demonstrates to us, that there are valid discoveries of principle, proven to be valid by means of differences of measured effects. The human individual has the power which no other species exhibits, the power to discover and adopt revolutionary principles of change in human practice, through which the power of mankind over nature is increased, in the manner, and according to the general constraints which we have outlined above. The phenomena of technological attrition show us, that mankind's continued existence, in population-densities above those of higher apes, depends upon a continued development and employment of such radical changes in human behavior, notably those changes, throughout discernible evidence of human existence, which we class, retrospectively, or otherwise, as valid, axiomatic-revolutionary discoveries of principle, through which the behavior of a society is improved radically. In such consideration of that physical-economic evidence, we have struck upon the ore from whose refinement we may extract the purer metal of "human nature." This "ore" serves us as the evidence leading to a functional definition of *natural law*.

Agapē: How Ideas Are Communicated

We must preface the argument of the next several points with a clarifying set of definitions of certain specialist's terms employed, above, and now.

1. *Deductive argument defined.* All spoken languages, including today's generally accepted mathematics, are rendered "grammatical" by subjecting them to a kind of evolutionary principle, the which we recognize as what is claimed as formal "logical consistency," but which is more fairly, and rigorously described as "lack of apparent, logical inconsistency."

2. *Theorem.* Those selected sets of propositions, expressed in terms of such a language, which, each, are demonstrably not inconsistent with any other of the whole, may be termed *theorems* of that set.

3. *Hypothesis.* By employment of Plato's Socratic method, we are able to adduce a common set of definitions and axiomatic assumptions, the which implicitly subsume each theorem of a set of theorems. The set of underlying assumptions (definitions, axioms, and postulates, for example), is termed an *hypothesis*.

4. *Theorem-Lattice.* This hypothesis enables us to define, implicitly, an additional collection of theorems, the which would be not-inconsistent with the original set of theorems. The combination of known and possible such theorems, represents a *theorem-lattice*. A classroom Euclidean geometry, or an empiricist or Cartesian algebra, are examples of theorem-lattices.

5. *Axiomatic-revolutionary discovery of principle.* In the case, that reality demonstrates, that one or more among the constituent elements of such a formal hypothesis is false, a new hypothesis, consistent with the relevant "experimental evidence," must replace the flawed one. That validated new hypothesis, is axiomatically inconsistent with the superseded, flawed hypothesis, and, therefore, could not be derived, by means of deductive methods, from the old hypothesis. Such a validated change in axiom, and of hypothesis, is to be recognized as an *axiomatic-revolutionary discovery of principle*, or, in abbreviation, simply as a *discovery of principle*.

6. *Creative mental act.* For such a case, the means by which the validated version of a discovered, axiomatic solution is produced, is an exemplary *creative mental act*, in absolute contrast to a mental act of deduction/induction.

7. *Cognition.* This quality of creative mental act, so defined, is identified as the essential quality associated with proper use of the terms *cognition*, and *cognitive processes*.

8. *Higher hypothesis.* In actuality, today's validatable human knowledge embodies an accumulation of validated, axiomatic-revolutionary discoveries of principle, and a corresponding succession of hypotheses. In the case, that the specific method of cognition employed successfully in some sequence of validated discoveries of principle, is successfully employed for added, validated discoveries of principle continuing that sequence, we have a set of hypotheses, each superior to its predecessor, all originated in a common way. The assumptions underlying that specific method of cognition, form a type of hypothesis. This special type of hypothesis, underlies the predicated many³⁹ hypotheses of the sequence, as an ordinary hypothesis underlies the set of theorems of a theorem-lattice. This higher type of hy-

39. "Many" is employed here in the sense that Plato's *Parmenides* dialogue addresses the type of the "one-many," ontological paradox presented by considering the relationship of an underlying hypothesis to the predicated theorems of its theorem-lattice.

pothesis is termed by Plato a *higher hypothesis*.⁴⁰

9. *Hypothesizing the higher hypothesis*. The state of cognition is of the type of higher hypothesis. This includes a special, higher type of hypothesizing which is known, from Plato, as *hypothesizing the higher hypothesis*. In this latter case, hypothesizing the higher hypothesis underlies axiomatic improvements in the scientific method represented as an higher hypothesis, or validly ordered sequence of higher hypotheses, as an higher hypothesis (e.g., experimental-scientific method of discovery of principle), similarly, underlies a valid sequence of hypotheses.

10. *Necessary and sufficient reason*. Leibniz's notion of his principle of scientific discovery, *necessary and sufficient reason*, is a reflection of those Platonic conceptions underlying the method of experimental physical science. The significance of Leibniz's principle, is recognized more adequately from the standpoint of Riemann's 1854 habilitation dissertation, which addresses the same matter from precisely the standpoint of the method of hypothesis, as referenced within the immediately foregoing definitions here.

Briefly, the case for viewing Leibniz's *necessary and sufficient reason* from the vantage-point of Riemann's principle of hypothesis, works to the following effect. If each physically validated discovery of principle, is treated as a dimension of an "n-dimensional" physical geometry (manifold), then the ordering principle corresponding to a sequence of validated such discoveries, is a type of higher hypothesis which is representable in terms of an ordering, as progression from a physical space-time manifold (geometry) of "n," to "n+1" dimensions. The crucial added feature, integral to Riemann's argument, is that the successive such physical geometries can be compared, only by departing the formalist domain of a presently generally accepted mathematical physics, for the domain of experimental physics.

40. Leibniz references the characteristics of such an higher hypothesis under such headings as "*analysis situs*."

The creative power of cognition, is functionally dependent upon an associated emotional state of the individual. To signify this emotional state, Plato and the Apostle Paul employed the term *agapē*. In Plato, we encounter this as signifying the quality of love for justice, and for truth. In *I Corinthians 13*, Paul uses *agapē*. to the same effect, as extended to love of mankind and love of God. This is the same emotion seen in the child overjoyed by its own discovery of a principle.

The key to the success of that effort lies in the fact, that any physical geometry may be treated geodetically, in terms of the relative curvature of physical space-time associated with each. That is to say, that the difference in metrical characteristics which formally distinguish physical space-time manifolds, provides us the means for verifying a choice of manifold in the terms of an experimental physics: in the same sense that those Classical Greeks working in the tradition of scientific method represented by Plato, were able to prove a definite curvature of the Earth, more than two millennia before that curvature was known as a sense-perceptual fact.

To appreciate Leibniz's notion of *necessary and sufficient reason*, paraphrase Riemann's approach to the same subject-matter. Given: a crucial event, such as the empirical evidence of least action, in terms of the determination of refraction of light under conditions of retarded propagation. What are the constituents of the hypothesis which determines the measured experimental result to have

been a necessary result? That hypothesis constitutes the "necessary" and "sufficient" reason for the relevant crucial-experimental event.

11. *Agapē*. The creative power of cognition, is functionally dependent upon an associated emotional state of the individual. To signify this emotional state, Plato and the Apostle Paul employed the term *agapē*. In Plato, we encounter this as signifying the quality of love for justice, and for truth. In *I Corinthians 13*, Paul uses *agapē* to the same effect, as extended to love of mankind and love of God. This is the same emotion seen in the child overjoyed by its own discovery of a principle. It is often described as "the light turning on" in the personality experiencing an creative act of insight, and is also the referent for "tears of joy." This is the emotion of scientific discovery, and also the emotion associated with the work of metaphor in a Classical work of art, such as a well-performed tragedy of Aeschylus, Shakespeare, or Schiller, or a well-performed principal composition of J.S. Bach, Wolfgang Mozart, Beethoven, Schubert, or Brahms: the competence of such performances depends upon the governance of the performer

by that passion peculiar to cognition, the passion of “tears of joy.”

Reference *ICorinthians* 13. This writer persists in demanding the use of the original Greek *agapē*, rejecting the usual modern connotations of the conventional Latin translation, *caritas*, or the King James Version’s *charity*. Paul emphasizes that none of those acts which present-day convention associates with “charity,” constitute *agapē*. It is not the deed as such, which gives the merit to the doer, but rather the assertion of that specific, efficient passion for truth and justice according to reason, *agapē*, within the doer. In Leibniz’s terms, *agapē* is, for Paul, integral to that *necessary and sufficient reason* for the relevant deed; it is in the axiomatic principle of *agapē*, as an integral axiom of that *necessary and sufficient reason*, that the virtue (i.e., the Renaissance’s *virtù!*) lies. For a deeper insight into Paul’s argument, see Plato’s definition of *The Good*.

12. *The Good*. No absurdity is so pervasive in modern civilization, as the notion of points existing at “infinity,” as in past and future. These ideas, sometimes appearing in their guise as “limit theory,” correspond to no reality which ever did, or ever could exist; but these foolish ideas cause much trouble, in many ways, not only in theology, but also mathematics, and in science generally. For our purposes here, it is sufficient to define, summarily, the relevant aspects of the relationship among *hypothesis* and Plato’s notion of the *Good*.

Given: a series of events, each and all consistent with a specific theorem-lattice. These events are located in time and place. The relevant theorems are determined by an underlying hypothesis. In what part of that span of time and place, does that hypothesis exist? The hypothesis never changes during any part of that span of space-time; it exists, “simultaneously,” in all the places and times defined by that theorem-lattice, but is confined to none of them. Meanwhile, that hypothesis is the *necessary and sufficient cause* for the selection of all of the theorems adopted as propositions for the occurrence of the events. In this respect, as *sufficient and necessary cause*, the hypothesis has the form of the *Good*. Yet it is not, otherwise, The Good indicated by Plato, since the existence of the highest Good (*The Good, or Absolute Good*) can not be conditional, can not be the predicate of an hypothesis. Yet, as efficient *necessary and sufficient cause* the *Good (Absolute)* is located in no place or time, but simultaneously in all, just as the hypothesis relevant to a specific theorem-lattice.

Thus, rather than the “Dr. Doolittle ‘Pushme-pullme,’” fairy-tale myth of mechanistic causality, commonly taught in schools today, we must have the sense of efficient relationship among past, present, and future, as implicit in the Platonic notions of *hypothesis* and *Good*. If one says, from this latter standpoint, that the future acts to shape the present, or that the present shapes the past and future, it is only in the Platonic sense of hypothesis and Good, that such an efficient role of time is to be premised. It is through the relatively timeless hypothesis which shapes past, present, and future, that these three aspects of a continuing process behave as if they might be efficiently interactive at all times. They do not interact directly, of course! Like the past, the future is presently implicit in the relevant hypothesis (hypothesis, higher hypothesis, or hypothesizing the higher hypothesis), and always implicit in the Good.⁴¹ It is through the mediation of *sufficient and necessary reason* (hypothesis), that the effect, which acts as if from future upon past, occurs.

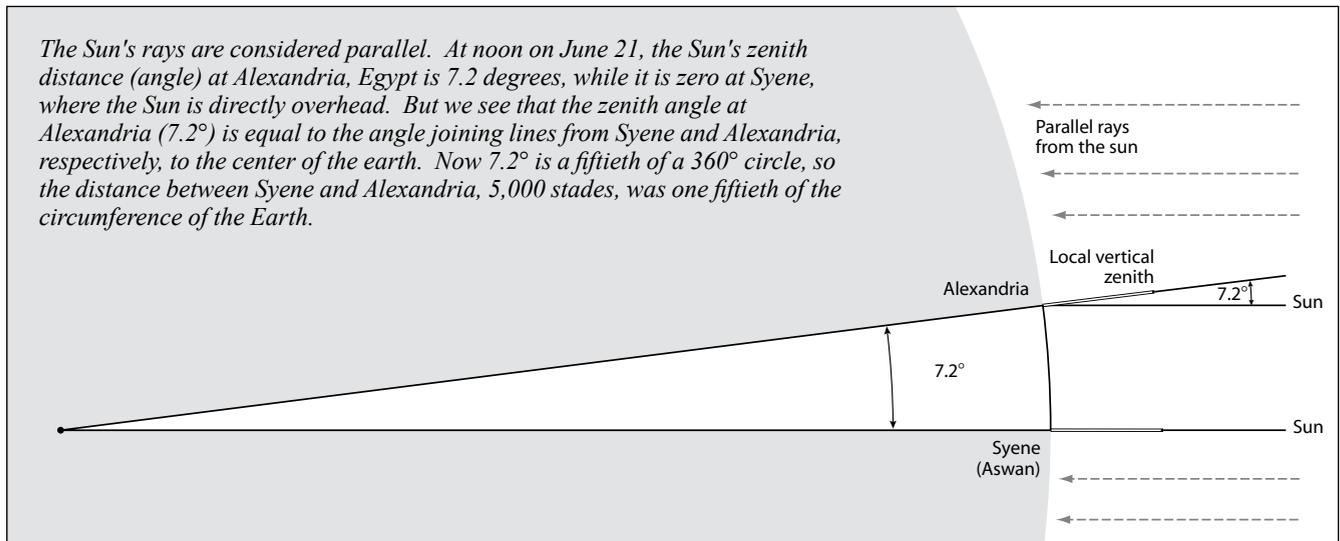
Rather than speaking of “natural law,” let us speak of a “natural-law hypothesis.” As an hypothesis, or the Good which we must hope to approximate by the guidance of that hypothesis, the notion of that hypothesis is timeless. It has the functional aspect of Leibniz’s notion of *necessary and sufficient reason*.

Thus, in Paul’s celebrated *ICorinthians* 13, it is the inclusion of *agapē*, as a controlling axiom within the hypothesis of natural law, which supplies an intimation of Plato’s *Good* to the personality of the actor; it is in that *virtù*, rather than the local practical effect of the deed itself, that the Christian source of redemption of the actor’s personality is to be found. It is not the commission of the deed which realizes that redemption, but

41. One of the pedagogically more accessible illustrations of the principle is found in discussing the implications of conductor Wilhelm Furtwängler’s references to “playing between the notes.” For example: Any masterwork composed in the Classical, motivic thorough-composition of Wolfgang Mozart, Beethoven, Schubert, Brahms, et al. (as opposed to the irrelevant, Romantic method of Liszt, Wagner, et al.), is an unfolding of successive cognitively ordered transitions from a single initial set of intervals (e.g., Mozart’s K. 475 Fantasy as treatment of J.S. Bach’s *A Musical Offering*). The resolution of this process, at the close of the composition, defines the process of development up to that point, as a musical hypothesis. The qualified performer, rather than interpreting the performance of each passage as he, or she comes to it (either arbitrarily, or according to some formal rule), adjusts the interpretation to cohere with the goal to be reached with the final resolution. That “adjustment” in interpretation represents “playing between the notes.” So, the master statesman shapes history, and so the wise person shapes the development of his, or her personal life.

FIGURE 1

Eratosthenes Measures the Earth



the command of *agapē* not to omit the effective performance of that necessary action. For the Christian, it is the command of agapic reason, to act in imitation of Christ, which contains the virtue, the beauty of the deed.⁴²

Nothing occurs without motive. A purely contemplative state of mind does not exist.⁴³ In human behavior, motive is found in the emotions, of which there are two types. The lower type is the *erotic* impulse, which subsumes the sexual impulse as a special case; it is, more exactly, the passion for objects of sense-perception, actual or imagined. It is the passion of the empiricist, positivist, and existentialist. The higher type, is *agapē*, that which sets the human personality apart from, and above the beasts. *Agapē* references those mental objects which may be strictly classed, inclusively, as *Platonic ideas: truth, justice, hypothesis, Good*.

In a competent mode of education, in which text-

42. One can not suggest that the Creator of the universe is an *impractical* mystic! Those who would be His servants in the administration of this ongoing process of creation, were wise not to overlook the point.

43. Once more, it is appropriate to reference the Schrecker translation. Under "On the Improvement of Metaphysics," Schrecker translates a relevant passage from Leibniz, as follows: "...This force of action, I affirm, is inherent in all substance, and always engenders some action; that is, corporeal substance itself—and the same is true of spiritual substance itself—is never inactive. This does not seem to have been sufficiently understood by those who considered mere extension, or else impenetrability, as the essence of matter, and believed they could conceive a body at rest." p. 83.

book learning is rejected, in favor of the student's replicating the original mental act of discovery of valid principles, the student cultivates the experience of *agapē* in those acts of discovery. This is the case in the study of scientific discoveries, and in Classical artistic forms of discovery. It is the joy of this agapic experience, which is the source of the passion for those professions, and the source of the energy of creative-mental concentration, which permits the accomplished scientist, or creative Classical artist, to muster the insight needed for the furtherance of that choice of vocation.

The idea of a principle already known may be recalled by means of a symbolic mode of communication; no *new* idea may be transmitted symbolically, or by deduction. In short, "information theory" is a delusion, a hoax.

Ideas respecting principles, poetic ideas, the central ideas of a Classical tragedy, the musical ideas of great works of Classical musical composition, the ideas of great paintings of Leonardo da Vinci, Raphael Sanzio, or of Rembrandt's "Aristotle Contemplating the Bust of Homer,"⁴⁴ and Platonic ideas in general, can not be communicated by means of a literalist, grammatical use of spoken language or deductive mathematics. Such new ideas are communicated, from one person to another,

44. Call that painting what you will. The name which points the viewer directly to the meaning of the painting—its paradox, its *metaphor!*—is "The Bust of Homer Contemplating the Blind Aristotle."

solely by means of *paradoxes*, the which, by their nature must violate a strict grammar of spoken or mathematical language. Another name for such paradoxes, is “metaphor,” metaphor as situated amid a nest of ironies.

In various publications, this writer and others have presented the essential features of Eratosthenes’ estimate of the length of the Earth’s meridian (**Figure 1**). The student who is able to work through replicating the formal mathematical steps of the discovery, may miss the idea involved, unless the teacher makes the point: “How did Eratosthenes give a fair estimate of the size of the Earth’s spheroid form, more than 2,000 years before any person saw the Earth’s spheroid form?” It is that presentation of that paradox, which impels the student toward discovering, then and there, the meaning of the term “experimental physics.” Otherwise, the student might acquire an advanced degree in mathematical physics, without ever discovering the crucial difference between a mere mathematical physics and an experimental physics. Similarly, until the student has confronted himself, or herself with that same paradox (in that or some equivalent form), the student will never recognize the significance of the qualitative difference between astrophysics and microphysics, on the one side, and macrophysics, on the other.

The doctrine, that communication of ideas can be correlated with counting in bits and bytes, belongs in the same receptacle, and institution, to which a sane society relegates Isaac Newton’s delusion, that gold might be created out of mud, using such catalysts as a bit of bat’s wing and eye of newt.⁴⁵ It is through the cognitive solution, by one mind, to paradoxes (metaphors) posed in the utterance crafted by another matter, that the mind of the receiver is able to generate the concept intended by the crafter of the paradox. That conception, so transmitted, leaves no trace of its passage, as a concept, within the literal anatomy of the communication medium employed. The music of Beethoven is not to be found in the score, but in the implications of the paradoxes which the score presents to the adequately developed musician.

The language of science, as the language of Classical forms of poetry, tragedy, music, and painting, is metaphor. The motive of metaphor is *agapē*. The

45. There is no unfairness in this characterization of Isaac Newton. See, John Maynard Keynes on the lunacy which erupted on opening the chest of Isaac Newton’s famous chest of laboratory experiments, in “Newton the Man,” *Newton Tercentenary Celebration*, (Cambridge, U.K.: Cambridge University Press, 1947).

medium of creation, is paradox. The solution of paradox, is accomplished by a reason motivated by *agapē*. That is the meaning of love of truth, and of justice.

How Natural Law Is Applied

The natural law functions as a type of hypothesis, as we have identified “higher hypothesis,” above. It consists of a set of principles (e.g., axioms) which govern the forming of many valid hypotheses, each hypothesis subsuming a theorem-lattice of lawful propositions.

Thus, it defines, implicitly, an arguably open-ended set of theorems. These theorems appear in the form of those propositions which have survived the constraints of that hypothesis. Some such theorems are of such a general applicability, either in all societies, or under present forms of society, that we might conveniently attribute them the designation, “constitutional.” The way in which the argument for “life, liberty, and the pursuit of happiness” is situated within the 1776 U.S. Declaration of Independence, and the entirety of the *Preamble* in the 1789 U.S. Federal Constitution, are instances of the expression of Leibnizian natural law as constitutional law.⁴⁶

The natural law, in its conveniently compact form, as hypothesis, is composed of a nest, or *manifold*, of discovered principles, in the sense (i.e., experimental physics) we have adduced such principled definitions and axioms, above. A few examples of this are presently supplied now.

1. *The Ontological Issue*. The record, since Plato, shows, that the worst block to understanding the concept of “natural law,” is the same stubborn incompetence respecting what all competent scholars recognize as the crucial *ontological* issue demonstrated by the failure of the character Parmenides, in Plato’s famous *Parmenides* dialogue.

To demonstrate that point: *If all elements of a theorem-lattice are efficiently generated by the efficiency of the hypothesis underlying the entirety of that theorem-lattice, is reality located primarily in that hypothesis, or*

46. Note, that the Preamble of the Federal Constitution implicitly incorporates those notions of Leibnizian natural law met in the Declaration of Independence, and that the Preamble of the Federal Constitution, within its included “welfare clause,” is the fundamental principle of constitutional law of our Federal republic (at least, during those moments of our national history constitutional law has enjoyed better than a sophist’s lip-service). On account of that natural-law content of the Preamble, and the Preamble’s superior position respecting the remainder of the Constitution, the U.S. Federal Constitution is, by far, the best instrument ever adopted by a nation-state.

in the elements explicitly referenced by a theorem? Or: If one element is the result of a change imposed upon another element, which is more “real,” those elements, or the agency which imposes the change upon their existence? Equivalent: Which is more real, the Creator of the universe, or the elements within that created universe?

The act of generation of a theorem-lattice is an action of *change*, which is a more efficient existence than any lattice generated by it. The alternate name for that change, is “hypothesis.” Special importance must be assigned, therefore, to the agency of *change of hypothesis: higher hypothesis*.⁴⁷

2. *The Definition of Man*. The issue of natural law encountered here, is, specifically, *the definition of man*. This definition must be located from the *origination* of the individual person, as typical of a species which is set, absolutely, apart from the beasts, functionally, by that process which yields this species’ not-entropic potential.⁴⁸ The definition of man is, thus, to be discov-

47. This was not only the central issue pitting Plato against the Eleatics, Sophists, and Aristotle; this was the issue of Kepler against the Rosicrucian Robert Fludd and the empiricist Galileo Galilei. It was the issue repeatedly raised in Leibniz’s pointing to the source of the incompetence in the method of Descartes, Leibniz’s devastating exposure of the hoaxes of Hobbes and Locke, and Leibniz’s attack on the incompetence of Newton’s method, in the Leibniz-Clarke-Newton correspondence. This fundamental difference in method, underlies the uncompromisable difference of principle which separated the leading American patriots of 1714-1901 from both the British monarchy and the Yankee and pro-slavery varieties of American Tories. For our purposes at this instant, it is sufficient to focus upon the ontological issues implied by “higher hypothesis;” the point has the same immediate implications when applied to the matter of higher hypothesizing and the Good.

48. From the standpoint of experimental physics, this functional definition of man, is mappable in the following terms of analysis situs. The total domain of experimental inquiry is mapped in terms of three qualities of evidence, pertaining to three general types of phenomena. Objects and relations are defined in terms of the scales of (in order of discovery by man) a) macrophysics, b) astrophysics, and c) microphysics. The types of processes considered are (in order of lower to higher ranking) 1) The presumably non-living (organic, inorganic), 2) The presumably non-cognitive living processes, and 3) Cognitive processes. The measurement of scale is in frequency, for which non-linear forms are regarded as higher. The universe of experimental inquiry is shown to be functionally integrated, despite the immediacy of the manifest functional differences of scales and types.

Within the table so ordered, the record of living processes generally, and of man’s increase of potential relative population-density through the action of cognitive processes, indicates the general law of the universe: that, from the pinnacle of knowledge of the efficiency of human cognition, the universe as a whole is characteristically a not-entropic process, and that the correlated direction of development of that universe as a whole, as such a not-entropic process, is for the increase of the ration of the universe composed of living and cognitive processes, relative to the so-called “inorganic.” In this location, it is sufficient to iden-

ered, by an approach which is focussed upon the source of a society’s not-entropic potential.

This distinction of the species, the generation of not-entropic potential, resides in a sovereign quality of the individual person, as individual. The society’s, and mankind’s not-entropic potential is derived from this characteristic potential of the individual person.

The not-entropic imagery of Riemannian physical geometry, supplies the most readily clear and distinct idea of the relationship between the source of society’s not-entropic potential, and the origin of that potential within the sovereign not-entropic potential of the individual person. To wit, the passage of the society from a physical geometry of “n dimensions,” to one of “n+1 dimensions.”

The increase occurs through a mental act of discovery of what proves to be an original, valid, axiomatic-revolutionary discovery of a principle, within the sovereign mental processes of some person. The transmission of that original “Platonic idea” to other persons, occurs not as “information,” but as the use of a representable paradox (metaphor) to trigger a second person, or more, to replicate the mental act of discovery, each within his or her own, sovereign cognitive processes. Only when this discovery is shared, in that metaphorical way, can the discovery be identified by a name assigned to it, among those who have shared the reenactment of the original discovery. The assimilation of that named discovery into the altered practice of the society, is then the means by which the transition from manifold “n,” to manifold “n+1,” occurs.

Whence manifold “n,” that the “n+1th dimension” might be added to it? The original discoverer’s first such discovery comes from outside himself, from society. This heritage he acquires through either a process we term “education,” or something equivalent in effect.

tify the fact, that the development of the fictitious, so-called “three laws of thermodynamics” is a myth, concocted by such Nineteenth-century “Fausts” as Lord Kelvin, Clausius, Grassmann, Helmholtz, Maxwell, Rayleigh, et al. The principal arguments advanced on behalf of that concocted myth, derived from the influence of the Malthusian fad of Luigi Botero, Giammaria Ortes, Thomas Malthus, et al., superimposed upon the traditional, arbitrary presumptions inherited from Seventeenth-century empiricism. The Nineteenth-century radical-positivist view, saw all forms of existence as derived from processes primarily rooted in the kinematic imageries of the most radically reductionist interpretation of the inorganic. To carry these wild presumptions into the microphysical realm, there was an axiomatic reliance upon Grassmann’s myth, linearization in the very small. Unless we overlook the mythical presumptions underlying the formulation of the so-called “three laws,” we can not believe that such “laws” were ever proven.

This inbound transmission occurs in the same mode the original discoverer generates the replication of his mental act of discovery in others; the discoverer acquires the knowledge of the principles in “manifold n,” by reenacting the “n” mental acts of original discovery within his own, sovereign cognitive processes.

That simplified description of the characteristic feature of the relevant processes suffices here. It is through the reciprocal process of the cultivation of the individual by the society, and the enrichment of the society’s knowledge of principle, by the individual, that not-en-tropic performance of the society is accomplished.

The larger the ration of the individual members of society who are both educated in this way, and who are afforded the opportunity to express such progress in their daily activity, the greater the rate of progress of the society, relative to any level of knowledge available to any significant part of that society’s population.

The same evidence obliges us to recognize, that the society which satisfies the requirement for progress, is characterized by a relatively greater emphasis upon the *agapic*, relative to the *erotic*: that *agapē* must be fostered, or else the creative activity indispensable to progress, will either occur only in diminished degree, or not at all.

The constitutional law of any state must commit that state to serve those principles of progress which we have just summarized. This must be, otherwise, the set of axiomatic moral values which informs the behavior of educators, law-makers, prosecutors, and judges, in particular. Without awarding efficient constitutional authority to those values, life can not be reasonably secure, and freedom, as Leibniz correctly defined it, is not possible.

This brings us to our closing theme: What about “happiness”? The present writer has addressed this in the course of a number of addresses to audiences, during the course of the Democratic Party’s 1996 Presidential-nomination campaign. On those occasions, he has referenced this to the *New Testament* parable of the “talents.” That argument, and its relevant implication here, are summarized as follows.

When each of us is born, we are given life and a heritage of knowledge, which we may assimilate by reenacting the valid discoveries of principle contributed by preceding generations. That is the talent which is given to us. When we die, if we have returned that talent, enriched by us, to our posterity, and, if we have lived necessary lives in our deeds from day to day, we know that our lives have been necessary for our society, and we

may therefore face death with a sense of triumph.

Examine our relationship to society in terms of the knowledge of principles we have received, and those we have transmitted to those who outlive us. Consider, first, our debt to the past.

In the course of reenacting discoveries of principle, it was most pleasing to know the name of the original discoverer, when, where, and how, he or she lived, some general biographical facts, and perhaps acquire an image of that person’s face. In reenacting an original discovery, in that moment our mental processes are replicating the internal thought-processes of a person who lived as much as thousands of years ago. One senses one knows that person, from a faraway place, from long ago, better than, perhaps, many “Baby Boomer” husbands and wives come to know one another, these days. Whenever possible, we apply a name of an original discoverer to each of the discoveries attributable to him. It is important that we do so, whenever possible.

When grandparents think of their grandchildren, they are looking toward the future, as if they were putting themselves in the place of, perhaps, one of the important discoverers they had known during their educational years. In terms of both valid discoveries, and good deeds in the spirit of valid discoveries, the good aspects of the past and future of all humanity are made very personal to each of us in our here and now. This is clearest in the instance of those discoveries of principle which bear upon the principle of hypothesis. Hypothesis, as it yearns toward the Good, has its peculiar quality of timelessness. In the Good, all who have lived come together in timelessness; in hypothesis, we have that “intimation of immortality” toward which poor poet Wordsworth might yearn. In that sense of timelessness, the pervasive mood is that of the *agapē* without which cognition were not possible. That sensed moment of timelessness, so achieved, is Leibniz’s *happiness*.

As this writer said, repeatedly, during the primary campaigns, “Every person must be assured the opportunity to live in such a manner, that they might die with a smile on their face.”

This, the notion of “life, liberty, and the pursuit of happiness,” and the common commitment to secure the “general welfare,” are those expressions of natural law which ought to be recognized by any competent and decent law-maker, and by every citizen, as that fundamental law of our Federal republic before which all ordinary law must humbly bend. Take such advice from the church, if you will; but take it from a nature whose gospel will be heard, were no sacred book ever written.