

## Judicial Impartiality

The most recent occurrence of judicial coercion in England which I have learned of is Isaac Newton's treatment of suspected counterfeiters.<sup>1</sup> He would exchange the life of one suspected counterfeiter, or sometimes a few days of life, for testimony to convict another. In the case of suspect William Chaloner, the evidence constituted an over-determined system of axioms; the jury must have known that not all could have been true. Chaloner had admitted making one plate to counterfeit a malt lottery ticket while investigating the practise of counterfeiting; he had applied to take over from Newton as warden of the mint. On the eve of his execution, Chaloner posted to Newton the physical plate which he had admitted making.

From America one sees television news stories of 'plea bargaining' in which various degrees of punishment versus amnesty result from a witness signing or agreeing, versus refusing to sign or disagreeing, with testimony which the government would use to obtain a judicial ruling.

From a friend's brother, I know of a time in Rumania when statements of allegiance to the government, even if made but not made sincerely, could result in imprisonment and tragedy.

When countries levy a tax on land, even if it is land where children play together in nature, the owner is identified and brought to pay his tax bill based on the use yielding the highest corporate estimate. The highest-yielding use in some cases is assessed by one corporation to be a battery farm for humans, connected by a concrete culvert to a plaza in which no activity besides shopping is legally permitted. If the owner cannot pay and does not wish to give up his land for this purpose, the judicial action is a compulsory purchase.

And yet when I speak of judicial coercion I am speaking specifically of the process that takes place in plea bargainings, or legal cases against witnesses, in which a government administrator establishes a theorem, not by proving it to be true, but rather by bringing hypotheses to the judiciary, and coercing witnesses to lie to the judiciary and state that they are known to be true.

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<sup>1</sup>Isaac Newton - crime investigator, Sir John Craig, K.C.V.O., C.B. Formerly Deputy Master and Comptroller, Royal Mint, Nature 183, July 1958

In such a situation the judiciary will rule that a theorem has been proven which actually falls into one of four other possible categories: a theorem which will be proven which has not yet been proven, a theorem which is true and can be proven but will never be proven, a theorem which is true and can never be proven, or a theorem which is false.

One example of coerced testimony in Utah in 2004, in exchange for a reduced sentence, stated that marijuana suspect W. Angelos had carried an invisible concealed gun, resulting in a sentence of virtual life imprisonment. Another, by the governor<sup>2</sup> of the second State, warned University trustees ‘Remember that little boy in the shower,’ with perjury charges for who failed to remember an over-determined set of axioms. Well-known and famous examples are the Salem witch trials and the HUAC hearings, or witch trials in England, for which the testimony is now understood to have been absurd

What makes you think she is a witch?

Well.... she turned me into a newt!

A newt?!

*Monty Python*

and yet, in Salem, it was only those who failed to confess who faced capital punishment.

The purpose of this note is to determine whether it is possible to formulate a simple and straightforward logical defense against judicial coercion. An important thing to consider is that the government is not incarnated in one evil individual who needs to be opposed. If the proposal to the witness genuinely and transparently constitutes judicial coercion, then the witness agreeing to falsely testify will not provide proof of anything. Whereas, testimony contrary to the coercion might perhaps be consistent with a positive motivation to be truthful. Or, at least, it is true that the witness could be punished for being truthful. And, an obvious lemma then is that a judicially coercive accusation cannot stand proven in any fair trial.

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<sup>2</sup>Sara Ganim, Patriot News, 21 January 2012, *Governor plays a unique role on the Pennsylvania State University board of trustees*

The law is not mathematics, and human beings are more than mathematicians. And groups of human beings are different than individuals. Hence, it could happen that one of a group of drafters of an accusation, might make the accusation unacceptably coercive, knowing that this means, by the above lemma, that it will not be proven.

And in fact, this is the point I meant to be converging on. Since a judicially coercive accusation is one which can never be proven in a fair court, hence in turn it is, in that way, not actually coercive.

For the witness to say ‘This accusation is judicially coercive,’ is at least superficially reminiscent of the well-known paradox which underlies the first proof of incompleteness of logic, ‘this theorem cannot be proven.’

One way of interpreting the laughable absurdity of historical coerced accusations is that they were even at the time logically absurd, different from, and in many cases therefore in contradiction with, facts which witnesses well knew to be true. The logical faculty of the individual brain works furiously to assemble physical position and velocity by integrating acceleration, visual images by calculating positions of scanning eyes relative to the integrated positions, and so-on, and to hear soundwaves and perform Fourier transforms, to understand language and syntax of what was said, and in the end of a long process, by some near magic, resting on precedents through millions of years of evolution, also logically consistent beliefs. And also being able to project false beliefs is there too, since fewer years of evolution, but obviously not false beliefs connected with observed truth in such a deep and consistent way.

Inevitably, over a very short time, it became obvious that Hollywood actors were not really taking orders from the Kremlin; it became obvious that property disputes in Salem, and not communication with the devil, had taken place. On human terms, one is faced with the surprise at being ordered to accept as fact something which one wouldn't accept on one's own. On logical terms, one is faced with complete collapse, if one wanted to really be true to oneself to the point of absorbing and believing the false testimony which one is ordered to deliver.<sup>3</sup> Because, one knows, in logic any pair of contradictory statements imply all other statements in the language.

And, yet, to a mathematics student, the complete collapse of logic is not a surprise. It is what we know to be an indirect proof. That is, even when we may suspect a piece of testimony, we do take it to heart as if true, we accept it without prejudice. Then, when absurd conclusions begin to materialize, we congratulate one another on finding ourselves once again in the land of absurdity.

Any defense against judicial coercion must be able to address the valid argument<sup>4</sup> which Godel used. It shows that, considered alone, the statement referring only to itself 'This statement cannot be proved without using coercion' *is actually true*, and also, however, that no matter how it may be supported by auxiliary evidence, it can never be proved without using coercion.

If there is no need of reciprocal coercion taking place during the defense, then the defense is required to support a statement which is evident while being unprovable. One must understand how something can be evident to everyone, while it is not provable. Logic has always been able to prove the existence of something unknown, which is beyond logic. The best defense might be the Monty Python defense, to respond with humor, and kindness.

*John Atwell Moody, 24 January 2012*

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<sup>3</sup>I am being imprecise and incorrect here, this does not apply to testimony which may be true but which the witness does not know to be true, such as the testimony of the existence of W. Angelos' hidden gun. Though I vaguely recall even in that case that the witness testified both that he had and also that he had not known that it was there.

<sup>4</sup>1931, Uber formal unentscheidbare satze der Principia Mathematica und verwandter Systeme, I. Monatshefte fur Mathematik und Physik 38: 173-98.