

# Discretion is required

By MICHAEL BROCK AND MATTHEW ZICK

Now that cameras are mandatory for persons driving on a restricted license issued by the AHS of the Secretary of State, there should no longer be any questions regarding who is providing the clean air required to clear the interlock device after a bad blow. This should simplify matters for clients, who previously had to concern themselves with some reliable independent verification for false positives (such as a breathalyzer at a police station).

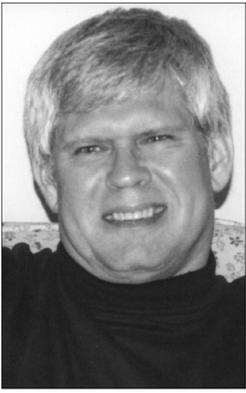
However, there is still the issue of how to deal with prior positive readings when it comes time to try to have the driving restrictions removed. Hearing officers are not going to assume that any positive blows were cleared legally, if at all, and if independent verification is absent, legal counsel may be faced with the dilemma of whether to wait longer before trying to get full license restoration, at the risk of his client possibly being extended or revoked.

Clients are understandably going to be anxious to get the process over with, but some violations are going to be more suspicious than others, and these present the most difficult choices. If the client had a bad car battery, had to replace it, and has the receipt showing the time and place of the purchase and/or installation, he is probably going to be OK, though he should inform the interlock company prior to unhooking the device.

Likewise, if he is having the car worked on, he should let the interlock company know about it ahead of time and keep the receipt. If the signal goes off for a rolling retest and he does not respond within the allotted time, he will incur a violation, but it can be adequately explained and is not likely to result in revocation or extension the time he must keep the interlock device installed.

However, what if the client tried to start his car twice in the morning and blew over the allowable limit? What if he didn't try to start the car again until that afternoon? It is hard to explain this as anything but a BAC still present the morning after some drinking the night before. In such a case the client may incur a revocation, which he will be given two weeks to file an appeal.

Sometimes clients will neglect to mention the positive readings to the evaluator, which is going to be viewed as duplicity by the hearing officer. Some clients will offer excuses, such as that someone else drove the car. This is possible, but not acceptable, since the person who is issued the interlock device is responsible for whoever drives the car. It is also somewhat improbable, and not a very good argument to make, since the clear and convincing standard of proof



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is the burden of the client.

In the event that the client has to explain positive blows, but his license is not pulled by the state, the attorney has a decision to make when it is time to go for full restoration. Does he go when the time is up and the client is technically eligible? Or does he wait until the client has experienced a longer period with no incidents before going back to try for full license restoration? Matthew's experience has been that the best case scenario in such a case is that the interlock period is likely to be extended; the worst case is that all driving privileges are taken away if you return too soon.

Therefore, it is his opinion that the best thing to do is to allow time to elapse so that the client can show at least a year of driving on the interlock device without incident, or at least without an incident that has been independently verified to be a false positive. Again, with the cameras now a requirement, this problem should no longer be an issue because the state will know who did the blow to clear the machine, making independent verification unnecessary. But for incidents that happened before cameras were installed the attorney must use good judgment deciding when his client is ready for a hearing.

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# THE EXPERT WITNESS

## A view from the bridge of Spaceship Earth (part two)

By JOHN F. SASE, PH.D.  
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*It is not the strongest of the species that survive, nor the most intelligent, but the one most responsive to change.*  
—Charles Robert Darwin, 19th century English naturalist

In this, the second of a four-part series, we continue to take the intellectual high road during this bizarrely interesting election year, which gets ever more entertaining in each successive news-cycle. In our view of the best and the worst of humanity at this time, we have chosen to stand in the company of American architect, systems theorist, and author R. Buckminster Fuller through his classic book "Operating Manual for Spaceship Earth," which is the jumping-off point for this series of articles. Many members of our reading audience read this work when it first appeared in the politically and culturally polarizing times of the late 1960s.

I (Dr. Sase) fondly recall late-night rap sessions with my fellow undergrad students with whom I lived and ate and played chess and music. Collectively, we voiced our opinions on and opposition to the events of that era. None of us were attorneys or economists at the time. We were students of life who studied by doing—art, music, philosophy, social behavior, political action, the human psyche, poetry, science, math, and many other matters of human relevance formed our tableaux. Many of us were on the lifelong path of becoming generalists—polymaths before we even knew what the word meant. Now, when I meet with colleagues in our professional fields, I still recognize the souls of philosophers, musicians, poets, and others.

I hope that many of us still perceive that the words of Buckminster Fuller, which were meaningful for those times, are just as relevant today. Last month, we introduced "Bucky" to a wide audience by means of a short biography. Next, we reviewed his thoughts on Comprehensive Propensities and the origins of Specialization. In brief, Comprehensive Propensities address the need for long-distance thinking in order to anticipate generational socio-economic changes. We discussed the relative differences between Generalist and Specialist Thought and how civilization developed through the growth of specialization encouraged by, in Fuller's words, "the Great Pirates" (G.P.s), who endowed it for their own purposes. The G.P.s rose to prominence during the Age of Exploration (15th to 18th Centuries), when the world began to grow from local to global through sea trade. These generalists became the Masters of the Sea through their qualities, such as ship-designing and mathematical skills for navigation and exploration. Next, we expounded on the origins and growth of modern specialization in the context of sovereign states that were encouraged by global traders, generalists who were ruled only by natural laws.

This month, we consider the transition from the Age of the Great Pirates to the Modern Age through a discussion of Comprehensively Commanded Automation, which has evolved through the integration of scientific fields and the development of the computer. This blossoming of the Modern Age in the 20th Century has led to a growing awareness of our place in the universe. Our discussion of Comprehensively Commanded Automation will lead us into an overview of Fuller's concept of Spaceship Earth and his thoughts about it.

**The Rise of the New Pirates**  
In World War I, a new breed of Great Pirates appeared in the form of what Fuller calls "out-pirates," technologically savvy newcomers.



John F. Sase

Fuller states, "[T]he most powerful out-pirates challenged the in-pirates with the scientific and technological innovation of an entirely new geometry of thinking." The new pirates caught the older ones off guard by way of attacks from under the sea and by their use of weapons and tools that reached into the modern invisible realm of electronics and chemical warfare. In order to survive, the dominant Great Pirates allowed their scientists to work on their own terms. However, this led to the demise of the G.P.s.

Throughout the vast range of the electromagnetic spectrum, the Great Pirates no longer could rule by their own keen senses of smell, hearing, sight, taste, and touch. As Fuller writes, their capabilities diminished as "[t]echnology went from wire to wireless, from track to trackless, from pipe to pipeless and from visible structured muscle to the invisible chemical element strengths of metallic alloys and electromagnetics."

Without the ability to function through first-hand information, the G.P.s ceased to be the Masters of the Sea. Furthermore, the world around them did not realize that they became extinct due to the fact that they had operated secretly for centuries. Governments and human society at large failed to recognize this void because all of the countries of the world continued to abide by the same economic rules, value systems, concepts, and terminology. As a result, no one government, religion, or business-system held the physical and/or metaphysical reins of the many fragmentary domains. Competitive confusion between traditional religions and politico-scientific ideologies weighed down these dominions because of, in Fuller's words, their "physical investments and proprietary expediencies" that vitiate any higher initiatives that may unify the planet with an unbiased integrity. Through the comprehension that Energy equals Matter times the Speed of Light squared (vis a vis the Speed of Light equals the square root of the constant ratio of Energy to Matter), the metaphysical measure masters the physical world. Fuller tells us that this mastery constitutes "the essence of human evolution upon Spaceship Earth."

As pragmatic men, the G.P.s ran the world ruthlessly but brilliantly. However, they based their decisions upon the Law of Entropy, which treats both our universe and our planet as an "energy machine" that continues to run down while the human party grows exponentially. Eighteenth-Century Political Economist Thomas Robert Malthus, an Englishman who served as the advisor to the British East India Company, wrote of the dismal state of humans who overpopulated the planet in respect to the potential food supply ("An Essay on the Principle of Population," J. Johnson, 1798). Later, English Naturalist Charles Robert Darwin responded that human evolution would be a survival of only the fittest ("On the Origin of Species," John Murray, 1859). This line of thought led to the belief that the

amount of foodstuffs to go around would be inadequate; not only that, but there would be insufficient amounts for even one percent of the population.

Fuller puts forth the case that the principle of Malthusian-Darwinian Entropy led to this view of survival as a cruel and almost hopeless battle. This belief also led to the pragmatic ideology of the 19th-Century Prussian Socialist Karl Marx, who wrote that the workers who physically produce goods and services are the fittest. Therefore, workers ought to be the ones to survive ("The Communist Manifesto," pamphlet, 1848, and "Das Kapital," Verlag von Otto Meisner, 1867). This ongoing dialectic formed the foundation for what Fuller calls "the great class warfare." He adds, "All of the ideologies range somewhere between the Great Pirates and the Marxists. But all of them assume that there is not enough to go around." However, Fuller asserts that the respective exclusivities of the major socio-politico-economic ideologies involved have led them to become functionally and mutually extinct. Why? He states that science finds that ample resources can exist for all if the barriers between sovereign dominions of the world are removed. This would mean total free trade on the planet.

**Extinction**  
What causes extinction? Researchers in the fields of both Anthropology and Biology have offered well-founded answers. Independently, they discovered that both cultural extinction and the extinction of species result from overspecialization. We observe this condition in horses, sheep, dogs, and even humans through intentional or accidental inbreeding that enhances certain qualities. Given ongoing DNA research, we find that a concentration of specific genes increases the probability that a dominant characteristic develops. However, on the other side of the scale, inbreeding increases the probability that the concentration of genes that sustain general adaptability will be bred out. When this capacity vanishes, ultra-specialized creatures tend to become extinct. Fuller points out that the G.P.s focused intently on accumulating wealth. In doing so, they abandoned their own "comprehensivity." This resulted in the G.P.s becoming severely specialized, specifically in the making of money from industrial production.

The economic boom of the 1920s appears to have marked the final fling for these specialists. The Crash of 1929 and the subsequent Great Depression punctuated the finality of the extinction process. What survived was a society of specialists in fields that included education, management, the sciences, home economics, and farming, among others. The comprehensive skills of earlier times had all but disappeared. In the wake, we were left with a worldwide caste of politicians as rulers, individuals who once had served the G.P.s. During the global economic upheaval of the 1930s, dominions of the world asked the politicians within their isolated states to make the international economy work once again. However, the resources of the planet were no longer integrable due to the extinction of global generalists.

What followed was the rise of strong-armed dictators who were committed to promoting their own ideologies through the politico-military means of control, means based upon the traditional but erroneous "survival of the fittest" in an entropic world. This takeover was accomplished through war, conquest, starvation, and genocide, based upon the ideology of the lethal Malthusian-Darwinian premise that the human population would increase at an exponentially faster rate than the supply of food and other resources.

The applied scientific special-

ization of the day was committed to new weaponry. However, organized oppositional consciousness was almost nonexistent. In addition, there was no coordination of weaponry in order to prevent Armageddon. Even the evolution of the United Nations in 1946 failed to convince the member nations to surrender their exclusive sovereign prerogatives for the good of the whole planet.

However, Fuller asserts that the concurrent replacement of humans by the development of the computer would free human beings from super-specialized tasks. Such freedom forces humans to reestablish, to employ, and to enjoy their own innate "comprehensivity." Coping with the totality of the universe from aboard our Spaceship Earth fulfills our greater destiny by displacing humans-as-automatons with computer-guided automation. Fuller writes, "Let us now exercise our intellectual faculties as best we can to apprehend the evolutionary patternings transcending our spontaneous cognitions and recognitions."

A new age dawned during the Second World War when biologists, chemists, and physicists met in Washington D.C. for special wartime missions. These scientists found that their contiguous operations overlapped and that their professional fields were integrated with one another in an inconvertible but purposeful "inextinguishable evolution." Through this process, the specializations of these professionals merged into more inclusive fields of comprehensive capabilities (such as biochemistry or biophysics), which led to our wider understanding that we are aboard "Spaceship Earth."

### Our Spaceship Earth

Spaceship Earth has an equatorial circumference of almost 25 thousand miles and a surface area of 197 thousand square miles. Today, we realize that we travel with a group of larger and smaller planets in the "vortical" wake of our mothership, the Sun, as it cycles back and forth across our galactic plane (see <https://youtu.be/rdS18D4qE5>). We maintain an orbital speed of 66.6 thousand miles per hour and support 7.3 billion human beings who are spread across two-hundred sovereign states that occupy 29% of the surface of our "spaceship." Throughout our remembered history, most humans have not realized that we have been travelling through space aboard our own ship. However, recent discoveries support the hypothesis that our pre-cataclysmic ancestors may have had a deeper understanding of our position in the universe and our movement within it.

The system of Van Allen Belts filters radiation from our Sun and other stars in order to provide sufficient amounts of radiation to sustain life without burning up. Even with this life-sustaining radiation, we could eat only a small portion of our vegetation in ancient times. We have learned to cultivate a great number of edible botanicals since then. However, some of our current methods may be questionable. Fuller reminds us of our strategically explicable, paradoxical endeavors. Through these, we have been "misusing, abusing, and polluting this extraordinary chemical energy interchanging system for successfully regenerating all life aboard..."

In certain ways, our planetary spaceship is like an automobile. We need to keep our vehicle maintained and in good working condition lest it cease to function properly. Fuller reminds us that our Earth is an integrally designed entity that must be comprehended and serviced in total to ensure its persistently successful operation. However, we must assume that the instruction manual has been omitted from the "Hall of Records." Therefore, we must use our collective intellect in order to learn how to anticipate the consequences of

using safe alternative means to extend our survival and growth. The total natural wealth of the Earth has provided a safety net for our ignorance until we learn to manage our energy-advantages in order to sustain our environment. In retrospect, we have brought forward an awareness of generalized principles that allows us to rearrange our physical resources to our advantage. Our past and present success prepares us to address the vaster challenges of the universe as we reach outward from our Spaceship Earth.

### The (W)rap

The takeaway for attorneys and other professionals is that, though we continue to hone our individual specialties, we must continue to grow as generalists—polymaths—in order to survive in our increasingly complex global environment. Fuller encourages us to go beyond our respective niches and develop our comprehensive thinking in order to commune in a more holistic and energetic manner. In addition, he implies that we must learn to take better care of our planet so that it does not die. As we learn to produce and consume more wisely, we can attain Sufficient Affluence in a Sustainable Economy. Fuller suggests that world trade will reach its apex only when barriers between sovereign states are removed. This would mean total free trade on the planet. For many, this concept places us on the horns of a dilemma. However, our long-term survival may depend on this as we continue to ride around the galaxy on Spaceship Earth.

Next month, we will consider the concepts of General Systems Theory and Synergy, which form two fields of thought that humankind has embraced and has begun to develop since the time that Fuller made many of us aware of them. As Fuller suggests, we will fly by generalized principles that govern the universe as we "attempt competent thinking...for comprehensive understanding." This understanding includes Energy, our physical constituent of wealth. Our metaphysical constituent, knowledge, can only increase. Therefore, every time we use these two constituents together, our wealth increases.

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