

MAJORITY REPORT:

PLATFORM COMMITTEE  
OF THE  
FREE LIBERTARIAN PARTY OF NEW YORK

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PREAMBLE

By Paul Hodgson-  
(Submitted separately  
as the author's  
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We, the members of the Libertarian Party, in opposition to the philosophies of government prevailing in the world today, recognize that every human individual must by nature as a reasoning being have absolute sovereignty over his life, but none over the life of any other, in order that each may attain the greatest happiness and realization of human potential possible.

We therefore recognize and defend the absolute and inalienable right of every individual to his life, liberty, and property: the right to speak and act, and specifically to keep and control all the fruits of one's labor and all inheritance, according to one's sovereign judgment, insofar as such action does not violate the same rights of others. We recognize consequently the right of every individual to enter freely into associations and contracts by mutual consent.

Because the initiation of physical force is the sole means of violating the individual's rights, and is in every case a violation of rights, we oppose all such action by any individual, group, or government for any purpose whatsoever; we recognize the right of every individual to defend against such action and to associate in the institution of government for that purpose, according to the necessity for objective law to govern the defensive use of force among individuals.

We hold all these rights and all consequent specific rights to be inseparable from the right to life and from each other.

We therefore maintain that the sole legitimate and necessary function of government is the protection of the individual's rights within defined territorial limits, against violators domestic and foreign; and that the only political-economic system consistent with man's rational nature and individual rights is laissez-faire capitalism under a constitutionally limited republic, commissioned by its citizens solely to guarantee equal protection of their rights under law.



In order, then, to defend the freedom and dignity of the human individual according to these principles, against all who bring incalculable misery upon mankind by the violation of individual rights, and to make possible thereby a society in which free men may live unafraid in justice and happiness, each pursuing his own dream and goal, we now advocate and seek to implement our positions and policies of government.



## I.

### CRIME, CIVIL ORDER, AND CIVIL LIBERTY

The only legitimate domestic function of government is protection of its citizens' lives, liberty, and property against forcible infringement (crime), with the consequent protection of civil order and civil liberty. To the extent that government legislates against or otherwise prohibits actions which are not violations of rights, or in any other way extends its functions beyond protection of individual rights, it deteriorates into a system of legalized tyranny, ultimately destroying both civil order and civil liberty and becoming man's most lethal enemy. There is no legitimate contradiction between protection against crime and maintenance of civil order and civil liberty. Recognizing this, the representatives of a free society impose constitutional limitations on the powers of government. The Free Libertarian Party of New York is profoundly committed to the principle that only when government is bound by these limitations can it effectively protect its citizens against crime, maintain civil order, and avoid destruction of civil liberty.

#### Principles of Law and Proper Legislation

1. Proper Designation of Crimes. We hold that every action which is an initiation of force causing demonstrable damage to the person, liberty, or property of another should be designated a crime. We hold that any perpetrator of an act so designated by law should be held responsible for that act as a criminal--whether or not the act or its consequences were premeditated--as long as the possibility existed for the perpetrator to control the action and judge its possible consequences. We further hold as a crime any overt, substantial, and potentially effective attempt at such an act; any physically overt and credible threat to commit such an act; and any collaboration in such acts, as judged by the same criteria.

We hold that no other kind of action can properly be termed a crime.



2. Revision of Legal Code and Penalties. We hold that the primary standard of penalization should be based on the concept of protection as defense against and restitution of a violation. Specifically, government should prevent a violation (as defined above) and use such force as is necessary to do so. Government should force the violator to repay or repair all consequent damage and cost of the violation, including cost of enforcement, if possible. Where irreparable damage to life or property is the consequence of a violation, a proven (legally convicted) offender ought to be restrained to the extent necessary to prevent a repetition of the act, as the government's final resort in defending its citizens' rights.

We hold that, in justice, a convicted offender can rightfully be held liable only for the damage and expense he has caused; therefore, the rightful limitation of his freedoms, and coercion used against him, must be confined to that necessary to obtain reparation or to prevent a repetition of irreparable damage.

We therefore advocate a revision of the legal code concerning crimes against life, liberty, or property, and concerning breach of contract and fraud, to base statute law on the above principles and criteria. Specifically, every penalty should oblige the offender to repay to the victim or repair all consequences, costs, and damages of the violation, and all costs of enforcement and legal procedure. Where a convicted offender is unable or unwilling to make reparations and pay costs, the law should set specific standards by which he is to be restrained to prevent a repetition, or until such time as reparation is made when possible.

3. Financing of Legal Procedure and Enforcement. We advocate financing the bulk of legal procedure and enforcement at the expense of convicted offenders. Thus a strong psychological deterrent results from the cost of conviction to a violator greatly exceeding any possible gain he could hope for. We stress that most criminal charges are of the type which should be brought by the injured party as plaintiff, and that when a conviction is not obtained in such cases due to insufficient evidence, the cost



of legal procedure should be paid by the plaintiff. In the remainder of cases where no conviction is obtained, government should pay the costs through insurance carried by it for that purpose. We stress that the applicability of insurance to such cases, for plaintiff and government alike, is a concept which has great potential for relieving citizens of the burden of taxation.

4. Prison Reform. In light of the reforms advocated above, the present functions of prisons and penitentiaries require a complete restructuring. We stress that under the advocated reforms of the legal code, prisons must have no other function than that of restraining offenders from repetition of irreparable damage, and forcing reparation when that cannot be accomplished without incarceration of the violator.

5. Right of Self-defense. We recognize that, while the function of protecting the individual's rights should be delegated by him in most cases to the agency of government, the right of self-defense remains inalienably with the individual. There are always cases in which the immediate use of defensive force by the individual is the only possible means of protecting himself, especially against irreparable damage to his person or property. We therefore advocate explicit legal recognition of the citizen's right to act in immediate self-defense, and of his specific rights in such situations.

6. Capital Punishment. Judgment in a court of law is <sup>out</sup>subject to error in all cases, even under criteria of proof beyond reasonable doubt, and may be reversed in the light of later evidence or consideration. Furthermore, the execution of an innocent person is an ultimate and irrevocable evil which should be avoided at all costs. We therefore oppose the penalty of capital punishment in any case whatsoever. In cases where capital punishment might otherwise be justifiable, we advocate life sentence without parole.



7. "Victimless" Crimes. We advocate immediate repeal of all laws which prohibit, punish, regulate, or discriminate against any action which does not constitute a violation of rights, specifically including but not limited to the following: (a) any manufacture, use, possession, sale, or acquisition of property, which action does not in itself violate the rights of another--including drugs (with the possible exception of sales to minors); (b) engaging in business or any other normally lawful activity on Sundays, holidays, or any other specific time (i.e. "blue laws" and curfews); (c) attempted suicide; (d) gambling; (e) sexual or any other personal relation of any sort by mutual consent; and (f) contraceptive information, operations, devices, and drugs; and abortion.

All such laws violate the rights of those prosecuted under them and damage or destroy innocent lives. They cause disastrous overloading of the police agencies, courts, and prisons, thus preventing them from effectively carrying out their function of protecting citizens' lives, liberty, and property. They provide the foundation for organized crime by giving it a black market monopoly on such activities. They encourage official corruption because of the impossibility of just and uniform enforcement and the impossibility of holding public officials accountable in the bulk of such cases. They thus accomplish the opposite of their alleged intent by further compounding the problems of all concerned; by preventing in many cases activities indispensable to life; and by ultimately destroying the respect for law without which no society can function.

8. Contractual Agreements. We uphold the right of all individuals to form contractual agreements. We oppose all government interference in such agreements when made or dissolved by the mutual consent of all participants, and when such agreements do not result in the infringement of the rights of others.

We hold that the content of all such agreements--be they of a personal nature, such as marriage and adoption contracts, or of a business and financial nature--should be determined exclusively by the participants. The government has no valid role in such agreements other than that of impartial arbiter and protector of the rights of participants when litigation occurs. The costs of all such services should be paid by the participants in such agreements, according to the program outlined in Plan 2(g) of sec.II (economics).



## Individual Rights and Limitation of Government

1. First Amendment Rights. We are firmly and unalterably opposed to all government legislation, administrative rules, and other practices which censor any private medium of communication whatsoever, or which abridge or violate any other provision of the First Amendment of the United States Constitution (i.e., freedom of religion and of peaceable assembly).

Events have demonstrated that the precarious First Amendment rights of the broadcasting industry are becoming subject to complete effective abrogation. The great potential of cable (television) transmission for a great increase in expression of diverse viewpoints, information, and quality of all kinds of programming is being effectively inhibited by government action. The First Amendment rights of the entire press and publishing industry have recently come under direct, brazen, and unprecedented attack.

We therefore advocate repeal of the Federal Communications Act and all other regulatory functions of government over any medium of communication. We advocate legislation to establish and provide for the full private ownership and control of all broadcasting frequencies and all other media of communication. We specifically deplore, and advocate legislation against, the abuse of grand jury and Congressional investigations, law suits, subpoenas, anti-trust suits, and other techniques to harass or otherwise intimidate those who attempt to exercise their First Amendment rights. We further advocate legislation requiring government to declassify and refrain from classifying, and to make available on demand, all information possessed by it which will not by its disclosure place the United States in definite military jeopardy or violate the right to privacy of any citizen. We oppose any law or government practice censoring or regulating any sexual expression in privately owned media or property.

We stress that First Amendment rights in no way imply a right or privilege of access to private media or property against the owner's consent. Any such supposed "right" or government policy to the contrary (e.g. "equal time" and "fairness doctrine")



are in fact not only an infringement of property rights, but constitute another variation of censorship by denying the owner's right to use his instrument of communication according to his sovereign judgment.

2. The Right To Keep and Bear Arms. We oppose any regulation or prohibition of the manufacture, sale, or possession of weapons, including compulsory registration of arms. We specifically advocate the repeal of New York's Sullivan Law, and the defeat and repeal of all other gun control legislation--Federal, State, and local. All such legislation is a violation of property rights and the right to self-defense.

3. The Right to Privacy. The right to privacy is inseparable from the right to life, liberty, and property, and in many cases from First Amendment rights. We firmly uphold the individual's right to the privacy of his person, property, communication, association, and any other aspect of his life.

We therefore advocate the repeal of all laws, and an end of all practices, that grant government such powers as: (a) to enter upon property without notice to its occupants ("no-knock"), or without warrant or other cause in accordance with the Fourth Amendment and all other criteria of due process of law required under the Constitution to arrest or bring persons to trial; (b) to infringe, by electronic or any other means, the privacy of electronic, written, verbal, or any other private communication, without such warrant; (c) to observe, record, subpoena, or otherwise infringe the privacy of any financial or other transaction, association, or enterprise, without such warrant; (d) to compile, use, or transmit dossiers or other data that are not of public record about individuals or associations, without such warrant; and (e) to force submission of data for the National Census or any other study or compilation done by government in pursuit of its legitimate functions.

4. Due Process of Law. The Fifth and Fourteenth Amendments of the Constitution explicitly state that no person shall be deprived "of life, liberty, or property without due process of law." In accordance with this and with our Statement of Principles, we advocate



full restitution for all loss suffered by persons arrested, indicted, tried, imprisoned, or otherwise injured in the course of legal proceedings against them which do not result in their conviction, or where such conviction is subsequently reversed (see Flank 3, Sec. I).

We advocate full implementation--in legislation and in administrative and judicial procedure-- of all possible safeguards for the rights of the accused; specifically, the guarantees of the Fourth, Fifth, Sixth, Seventh, Eighth, Thirteenth, and Fourteenth Amendments to the Constitution. We specifically oppose: (a) "preventive detention" and "no-knock" laws; (b) setting of bail in excess of an amount likely to inhibit the accused from fleeing the authority's jurisdiction; (c) detention in degrading and inhumane conditions, or deprivation of any liberties not essential to detention; (d) the use in any court of any criterion for conviction other than proof of guilt beyond reasonable doubt. We specifically advocate legislation that protects: (a) the right to a speedy and public trial by an impartial jury; (b) the right to have counsel for defense; (c) the right to equal protection under law regardless of race, creed, sex, origin, or personal life style.

We oppose those "immunity laws" designed to force testimony in circumvention of the Fifth Amendment.

5. Involuntary Servitude. In accordance with our Statement of Principles and with the Thirteenth Amendment, we unalterably oppose any form of involuntary servitude except that imposed as penalty for properly designated crimes after conviction with due process of law. We therefore specifically advocate the defeat and repeal of: (a) the Selective Service Act; (b) any law, proposed or extant, compelling "alternative service" or "national service"; (c) any law or practice providing for "channelling" any individual or any segment of the American population into--or out of--any particular job or professional category.

In view of the totalitarian potential of such policies, we advocate a declaration of complete and unconditional amnesty and



legal absolution for all persons who have been accused or convicted of: (a) draft or "alternative service" evasion; (b) desertion, AWOL, etc., in the case of draftees; and (c) opposition to Selective Service, etc.--such as counseling or aiding resistance or evasion or burning selective service cards--except for the destruction or forcible endangerment during such actions of persons or of property not their own.

6. Decentralization. In accordance with the Tenth Amendment of the Constitution and with principles of efficient and democratic government, which should be directly accountable to the electorate for its actions, we advocate the return of all legitimate functions and powers of government, and of all remaining functions during periods of transition to private control, to levels of government as near and as accountable to the community as possible, commensurate with the enumerated powers of the Constitution and sovereign powers of the particular States.

We further advocate the enfranchisement of such civilian review boards, independent ombudsmen, and other independent agencies for government accountability as are necessary to guard against and expose abuses by any agency of government, such independent review agencies to be legally authorized with powers of subpoena and inspection of government agencies, officials, and records, but to be supported by voluntary and independent contribution.

7. Education. We recognize that when government has ceased to deny the individual a choice in whether or not to bear children, responsibility for providing all needs of the child is assumed by the parent with the choice to bear the child.

We therefore advocate the repeal of all compulsory education laws, and an end with all possible speed to government regulation, operation, and financing of schools, and return of education to private institutions to be chosen according to their competence and suitability by parents (or by legally independent young persons where applicable), and to be voluntarily financed by them. Toward this end, we advocate an immediate grant of credits, equalling



educational costs, against all taxes to all those who choose to have their children attend, or to attend themselves, private institutions of education, such credits to apply against future taxes where educational costs exceed credits in the year of expenditure.

We advocate that immediately, and for the remainder of the existence of public education, all busing of children to public schools outside local districts be ended, inasmuch as it is a false, ineffective, and wasteful solution to the deterioration and inequality of public education. We further support parental or student control (whichever is applicable in a specific case, e.g. by payment of taxes) of remaining public schools, and commensurate decentralization of control to local levels.



## II. ECONOMY

The individual's rights to his liberty and property, and to association and contract by mutual consent, imply necessarily the right to create and control goods and services of economic value and to exchange these values with others in sales, associations, or contracts (by mutual consent to the terms) free from the initiation of forcible interference by anyone, including government. These values include the means of creating economic values (e.g. industrial and agricultural plants, etc.) The only proper function of government in the economic sphere is to protect these rights by providing legal criteria for valid contracts, exchanges, and property ownership; adjudication of disputes within that framework; and protecting citizens from forcible interference with their production and exchange activities and their possession and use of property. Any extension of government activity in the economic sphere beyond these functions (e.g. regulation, redistribution of wealth, or expropriation) or any favoritism or unequal protection of rights inevitably violates its citizens' rights, reduces their prosperity, and ultimately reduces them to the misery of poverty, serfdom, and chaos, regardless of the alleged intent of those who implement such policies. In opposition to such policies, and in support of the proper functions of government in the economic sphere--which are indispensable to freedom and general prosperity--we advocate the following positions.

1. Money. Government regulation of the monetary system is the basic instrument of violation of rights in the economic sphere and is the primary cause of economic instability (inflation and depression). We therefore advocate the immediate repeal of all legal tender laws and laws prohibiting or taxing private ownership and exchange of gold, elimination with all possible speed of the Federal Reserve System, and return of all institutional financial transactions to private institutions subject to proper contract



law. We further advocate amendment of the United States Constitution to prohibit the Federal or any State or local government from organizing, incorporating, or otherwise associating as a partner in any banking or other financial institution other than a treasury for collection and disbursement of operating funds; and prohibiting the Federal Treasury from dealing in any other monetary standard than the prevailing free market one, and from practicing any fractional reserve or similar accounting system.

## 2. Government Spending, Taxation, and Revenue.

(a) Subsidies - Government support of any special interest group or person must always occur at the expense and by the victimization of others and in violation of their rights. We therefore oppose all subsidies of any nature whatsoever by government. Those who have based their incomes or enterprises on promises of such subsidies should be forewarned of a specific date beyond which subsidization would be permanently terminated. Relief or exemption from involuntary taxation should not be considered a subsidy.

(b) Services - Since the proper and effective function of government extends only to legislative, judicial, police, and national defense agencies, we advocate the elimination or sale to competitive private enterprise of all other services and enterprises (post office, transport, etc.) with all possible speed. We particularly advocate the immediate elimination of the Federal Department of Housing and Urban Development (HUD) and similar state and local agencies engaged in so-called "urban renewal" or public housing programs, because of their immediate disastrous effects on urban housing supply and construction, and their furtherance of city deterioration; and of the HEW Department and its "social services" program, which has grown since 1967 into a \$30 billion fiscal disaster in wasteful spending and misallocation of potential private investment resources.

(c) Relief - Inasmuch as welfare and similar income guarantees are another form of subsidy, resulting in additional unemployment and victimization of working people by taxation, we advocate the



elimination of all such programs with all possible speed, commensurate with the increased demand for labor resulting from decontrol of the economy and of investment resources. All current able-bodied recipients of relief income who fail to seek and accept remunerative employment should be subject to immediate loss of all relief benefits. We oppose the institution of "make-work" or "public works" programs by government, since such programs and their results are outside the proper function of government, create little of economic value, and continue to victimize taxpayers.

We also oppose the operation by government of unemployment or other insurance programs and advocate the repeal and elimination of such programs with all possible speed, subject to the discharge of obligations already incurred by government under such programs by its collection of payments. Such programs are not only outside the proper function of government, and grossly inefficient and wasteful under government administration, but also a serious violation of citizens' rights when compulsory premiums deny them the opportunity of providing themselves protection by more efficient and productive means in private programs.

(d) Fiscal Policy - We advocate the immediate limitation of government expenditure during a fiscal year to an amount not exceeding revenues for that year, and the elimination with all possible speed of the national debt within this rule. The unchecked deficit spending of recent years has been a major cause of the inflation and economic crisis which confronts the nation now, and which will persist to some degree in spite of other remedies as long as deficit spending is allowed in government at any level, including state and local.

(e) Inflation - Government manipulation of the monetary system--mainly expansion of money and credit supplies--is the primary cause of inflation. General fiscal irresponsibility, government regulation, and subsidies also contribute substantially to the problem. The only complete, long-range solution is the implementation of the entire program set forth here.



(f) Tax Repeal - Taxation is confiscation of a citizen's rightful property and is a violation of his property rights. We advocate the repeal of all taxation with all possible speed. As an interim measure toward this end, we advocate immediate adoption of the Liberty Amendment, and the immediate repeal of sales and residential real estate taxes.

(g) Revenue from Fees and Reparations - We advocate the immediate passage of legislation enabling collection of revenue by government at all levels, from fees charged for the court registration and protection of contracts (at rates determined on an actuarial basis for prior registration, and covering the full cost of court procedure, to be paid by persons found in violation of contracts, for litigation sought without prior registration); and from reparations commensurate with the revision of the legal code, recommended in Flank 3 of Section I herein. We further advocate legislation requiring payment by those receiving benefits of fees for such services as remain in government hands during periods of transition to the private sphere (sanitation, fire protection, all transportation facilities, etc.) at rates determined on an actuarial basis where possible, but sufficient in all cases to cover the cost of operation of such services.

3. Contracts, Fraud, and Consumer Protection. A valid contract is a binding agreement, entered into freely by mutual consent of the parties thereto, by which rights to particular property and services are transferred. The failure of a contracting party to render those goods or services for which he received compensation is a violation of property rights (implying forcible opposition to the rightful claim of an owner) and thus subject to government action. In the sphere of "consumer protection" any misrepresentation of a product in labeling or advertising, or delivery of goods or services significantly different from those bargained for by the purchaser constitutes a violation of contract, and should likewise be subject to government action. In this area, government has been remiss in its function (particularly in defining a legal framework for such contracts and litigations), and we



advocate immediate legislation to fulfill this function, including strong penalties for sale of products embodying demonstrably poisonous or otherwise hazardous qualities without proper labeling.

We strongly oppose, however, any so-called "consumer protection" legislation which infringes upon voluntary trade, particularly production regulations or product standards such as are currently imposed by the FDA; it is the responsibility of the consumer to use available private reporting and testing agencies and his own best judgment in selecting competitive products, and to bring charges for full reparations if he believes he has been defrauded in a purchase.

4. Unions and Collective Bargaining. In accordance with the right of association and contract, we support the individual's right to associate in or establish labor and other unions by mutual consent with its members (or to refrain from so doing) and of an employer to recognize (or not) such organizations as the bargaining agent of some or all of his employees. We oppose governmental and all other forcible interference in such bargaining, other than enforcement of existing and legally valid contracts. We therefore advocate an immediate end to all compulsory arbitration and bargaining functions of government in private labor negotiations and immediate repeal of the National Labor Relations Act, the Taft-Hartley Act, so-called "right to work" laws, and all other legislation and activities which violate the right to freedom of association and contract in this sphere. We advocate legislation which specifically protects the right of life and liberty of workers who choose to remain independent of any union and to cross any picket line or to deal with any employer despite sanctions sought or imposed by a union, and to protect the similar rights of employers.

5. Regulations and Controls. All regulations and controls imposed by government beyond its legitimate functions are violations of its citizens' rights and are ultimately detrimental to their freedom and prosperity. We advocate repeal of legislation and abolition of government activities in the following areas with all possible speed:



(a) Tariffs and Quotas - Such restrictions on international trade are a clear violation of the right to free trade, and--like subsidies--favor special interest groups at the expense of others. They also cause international tensions and conflicts and eventually lead to severe disruption of international trade and domestic economies by imposing gross inefficiencies on all economies. We therefore advocate abolition of all tariffs and quotas on imports and exports, and of the Tariff Commission and Customs Court, with prior notice to interested parties as in the case of subsidies.

\* (b) Foreign Currency Exchange Rates - We advocate immediate repeal and cessation of all legislation, agreements, and policies of government control or manipulation of foreign currency exchange rates, inasmuch as such controls are a violation of the right to free trade and of sound economic principles. They cause economic instability and endangerment of the international and domestic economy in favor of special interest groups and at the expense of others. We specifically advocate immediate withdrawal from the current Smithsonian agreements, subsequent monetary negotiations, and the International Monetary Fund, and passage of legislation prohibiting government from dealing in foreign currencies except as necessary to finance its own legitimate operations.

\* (c) Regulatory Agencies - We advocate the elimination with all possible speed of all Federal, state, and local regulatory agencies and boards, and placing of such legitimate functions as those agencies now provide under normal contract law and court adjudication with sale of any necessary services they perform to private competitive enterprises. We specifically advocate the immediate repeal of all government granted franchises and legal monopolies (utilities, communications, transport routes, etc.) and cessation of the granting of non-competitive contracts by government in connection with its legitimate functions. SEE INSERT, page 16.

(d) Antitrust - We advocate the immediate cessation of antitrust prosecutions of all kinds by the Justice Department, and the immediate repeal of all antitrust legislation, as violations of the right to free trade and endangerments to economic prosperity.

\* Authors plan to delete at the convention.



(e) Wage, Price, Rent, Profit, Dividend, and Interest Controls - We oppose all such controls and agencies, and advocate immediate repeal of all such legislation, as violations of rights and serious endangerments to the economy.

We specifically advocate the immediate abolition of all controls on new leases in New York (rent control) and of controls on existing leases within a definite period (one to two years) as an indispensable measure to encourage the immediate private investment in new and sound existing housing. This is necessary to reverse the disastrous effects of past controls on the residential property and urban health of New York. In connection with this we also advocate repeal of restrictive zoning, building code, and other "city planning" laws which impede fulfillment of market demand and greatly increase the cost of construction in the major cities.

7. Public Lands. We advocate the sale with all possible speed of all government-owned real estate not essential to the operation of government in its legitimate functions with the exception of Federal lands owed to American Indians under treaty or any other valid agreement, which lands should be returned to them with all possible speed. Revenues from sale of all other Federal real estate should be immediately applied to reduction of the national debt. The same principle should be implemented on the state and local levels.

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INSERT TO Plank 5(c):

\* We advocate the immediate elimination of government licensing of professionals (doctors, lawyers, etc.). We further support repeal of laws requiring licensing of businesses and business premises.