

FREE NEW YORK

The Libertarian Alternative

S U M M E R 1 9 8 8

Election '88 Notes

New York State Petition Drive

The Libertarian Party petition drive for statewide elections begins July 12 and runs through the middle of August. The goal of the drive is 40,000 signatures. 10,000 valid signatures must be filed with the New York State election officials between August 16 and August 23.

The petition covers both the Presidential election and the U.S. Senate race. The coordinator of the petition drive is Fran Paretto, the New York State coordinator of the Ron Paul for President campaign. If you would like to help gather signatures you can contact Fran or one of the regional coordinators listed below. Petitioning is often viewed with fear and loathing, however many Libertarians find the experience rewarding and, yes, even pleasurable. So, get your clipboards, pens, and smiling faces ready for the 1988 petition drive.

Paul campaign local coordinators:

Fran Paretto, Mt. Sinai (State Coordinator), 928-9419;
Steve Candidas, Buffalo, 884-1820;
David Hoesley, Webster (Rochester), 671-8821;
Michael North, Saugerties (Upper Hudson), 679-2733;
Bob Gustafson, North White Plains (Lower Hudson), 997-1981;
John Monteer, (Capitol District)
Kevin Dellaney, Syracuse

Bill McMillen enters the U.S. Senate Race

William P. McMillen, chairman of the Libertarain Party of New York, will run for the U.S. Senate seat held by Daniel Moynihan. The nominating petitions circulated for the Paul presidential campaign also qualifies a candidate for the Senate seat. Unlike Monyihan, whose time and efforts are subsidized by the taxpayers, McMillen will not be able to run a full time campaign. He has pledged to do what is possible under the time constraints of earning a living and keeping up with other essentials of life.

McMillen, a resident of Rensselaer, is an accountant for Crowley Foods. Even though his campaign will be low key, we can expect a thoughtful and principled effort from McMillen. His principled stand on the government's military forced labor program led to time in a Federal prison. In 1982, he ran for State Comptroller, and he has held the State LP Chairmanship, along with other National LP positions, for several years.

The Republicans are putting forth a token candidate. Besides being a fall guy, he unfortunately is a homonym for the Libertarian candidate. The Libertarian McMillen deserves the support of all of us. Any help, in money, time, or psychic support, will be appreciated. Although no formal campaign structure is yet in place, you can contact the candidate through the State LP office, P.O Box 6276, Albany, NY 12206.

Robert Goodman, 81st Assembly District candidate, to host July 4th picnic

Robert Goodman has announced his candidacy for the New York State Assembly from the 81st District in the Bronx. As a kickoff for his campaign, Goodman is hosting an Independence Day picnic in a New York City park at Pelham Parkway North and Seymour Avenue in the Bronx. (For directions call him at 212-547-4165.)

The festivities start at 11:30 a.m. on July 4th and will continue until you wish to leave. Light refreshments will be provided, but you should bring more substantial sustenance, or else go hungry. This is the second year Goodman has hosted an Independence Day blowout, and he hopes to build this into a libertarian tradition. Take this opportunity to meet the candidate and other Libertarians, and help Robert map out his fall campaign.

Don Ernsberger to Congress from PA and Hedbor for Congress in VT

The 1988 NY State LP Convention heard promising and enthusiastic presentations from two LP Congressional candidates from neighboring states. Don Ernsberger is a longtime libertarian activist, best known for his work with the Society for Individual Liberty. His plans for the Ernsberger To Congress campaign (he is not for Congress) in the 8th Congressional District in Pennsylvania are to make it a testing ground for LP campaign strategies. He already has qualified for the ballot, and he is nurturing his relationships with the press. The 8th District covers Bucks County, a traditional swing district which receives media attention as a litmus test for national and regional attitudes. You can contact the Ernsberger to Congress Committee at P.O. Box 338, Warminster, PA 18974.

Jim Hedbor is another longtime Libertarian activist who is running for Congress in Vermont. He is no stranger to this task, as he ran a well-received campaign for the same Congressional seat in 1984. He is building on the lessons he learned in that campaign, and he has mapped out a thorough strategy for the 1988 race which he has already implemented. He honestly believes he has a chance of winning what will be a four-way race. If he does not win it certainly will not be for lack of effort or enthusiasm. If you would like to help Jim in his effort write to Hedbor for Congress, P.O. Box 188, South Hero, Vermont 05486.

Jim Lewis Sent to Prison on Tax Charges

As reported in the last issue of Free New York, Jim Lewis was found guilty in Federal Court of willful failure to file Federal Income Tax returns. Lewis acted as his own counsel in the trial, and he decided not to appeal his conviction.

He has started serving his jail sentence at the Federal Correctional Institution in Allenwood, Pennsylvania. He would appreciate hearing from any libertarians. His address is:

Jim Lewis, A-2
FCI
Allenwood, PA 17810.

Margaret Fries has written an excellent account of Lewis's trial, which unfortunately is too lengthy to reproduce here. Anyone wishing to receive a copy of this review and analysis can write to Free New York. A one dollar fee, to defray postage and copying costs, is requested.

Libertarian July Happenings

July 2: Suffolk County Barbecue, Middle Island, NY. Contact Fran Paretto, 928-9419

July 9: Capitol District Picnic, Altamont, NY. Contact John Monteer, 861-5009.

July 30: Rochester Picnic. Contact Dave Hoesley, 671-8821.

July 12 and after: Statewide Election Petition drive.

Free New York is a quarterly publication of the Libertarian Party of New York. Your support for this newsletter is vital to its continued existence. Send your support to: Libertarian Party of New York, P.O. Box 6276, Albany, New York 12206. Ye that dare oppose not only the tyranny, but the tyrant, stand forth!

Some Government Statistics

. . . In case you let the day slip by unnoticed, Tax Freedom Day this year was May 5, two days later than last year and the latest day since the Tax Foundation began tracking this day. So much for the Reagan tax cuts [sic]. Taxes account for more of a typical pay check than any other major expenditure; more than housing, more than clothing, more than food, more than health care. In fact, combined federal, state, and local tax payments are double the typical outlays for housing, the next largest consumer expenditure.

. . . And, where does all this confiscated wealth go?

. . . Twenty per cent of the Federal budget goes for interest payments on the unconscionable debt run up by Democrats and Republicans. This is the fastest growing part of the Federal budget. Given the spineless, cocker spaniel attitudes of Washington politicians, their solution to the deficit will be an inflation that will make people fondly remember the 1970's.

. . . The U.S. government spends \$47 billion a year for the defense of Japan. That's about \$5,000 per Japanese citizen -- about enough to buy each one their own favorite small car. If American business, labor, and political leaders really want to end Japanese subsidization of exports, they should end American subsidization of Japan.

. . . The U.S. government spends \$150 billion a year to defend Western Europe. That tidy sum buys quite a few Mercedes and BMW's. Is the world closer or farther from a major war with American troops in Europe? \$150 billion closes the budget deficit immediately, and we are to believe there is no fat in the Federal budget?

. . . The U.S. government is spending a million dollars a day maintaining a Naval force in the Persian Gulf -- for what purpose no one seems to know. Let's see, we're there to protect foreign merchant ships flying American flags from the Iranians because the Iraqis (the Iranian's enemy) almost sunk an American warship. Now that's clear, isn't it?

. . . The Constitution provides that an "enumeration shall be made . . . every subsequent term of ten years." Out of this innocent requirement the Census Bureau, the ultimate profferor of government statistics, was born. Today the Census Bureau goes far beyond the task of estimating the number of people in the United States. It has become the keeper of a huge data base filled with intricate information about millions of households, which it provides to private corporations. The cost of this governmental intrusion is much higher than the billions it takes to run the Census Bureau.

. . . Faced with a \$900 million "shortfall" in revenue, the New York State Legislature increased its "member items" (read unabashed, unapologetic pork barrel) \$40 million from last year's level. It is safe to conclude that Washington does not have an exclusive patent on irresponsibility and recklessness with public funds.

. . . New York State employs 500 people to administer New York City rent control laws. This bureaucracy is empowered to confiscate the productive resources of property-owners to benefit those lucky enough to live in the right apartments in New York City. They also penalize those not lucky enough to live in the right apartments. If you think that rent control laws mainly benefit the poorest in New York, think again. Major beneficiaries of this anti-consumer law live in the nicest neighborhoods in Manhattan.

. . . The Buffalo Municipal Housing Authority spends \$330 per month per apartment that it owns. By all accounts the housing is substandard, yet in the Buffalo area \$330 per month buys quite adequate private housing.

. . . A list of foolhardy, unproductive government spending could fill this paper and still only scratch the surface of these scandalous activities. The only political force in the United States calling for an end to the politicians' scam is the Libertarian Party. The Demopublicans are the architects and artisans of the scheme, and they have no intentions of altering it.

Bastards or Bamboozle?

"I'd like to see New York have the reputation as the state that's being a bastard when it comes to [speed limit] enforcement." That is how State Police Superintendent Thomas Constantine announced, on October 14, 1987, the institution of special sixty man traffic units to enforce the fifty-five mile an hour speed limit. The purpose of project SNARE (State's New Approach to Revenue Enhancement), according to Superintendent Constantine, is to ticket massive numbers of motorists on our state's highways. The teams of troopers are manning various sites around the state using the newest detection equipment along with aircraft and a variety of marked and unmarked vehicles.

In an eight hour trial of the system, 900 traffic tickets were issued at two locations. Proof of the "value" of the program, say its proponents. Proof that people are inclined to drive sixty-five miles-an-hour on roads designed for that speed, say others.

Is the real goal of SNARE the collection of a great deal of revenue in short periods of time? If so, the program can not be successful unless those ticketed fail to exercise their rights under New York State law.

There is no doubt that there is widespread disagreement with the current speed limit. If the 450 tickets per site is representative of the larger population, at least one car per minute is breaking the law. Beware, a sizable band of outlaws is in our midst.

While the high-volume citation program is a clear indication that motorists will be held responsible for knowing the vehicle and traffic law, the State is counting on these people not knowing the laws that require certain procedures before the fine collection.

A traffic ticket is an accusation. A sentence cannot be imposed unless the court enters a verdict of guilty. To arrive at a verdict of guilty, either the state must carry out its burden of proof, or the accused may enter a plea of guilty.

When the accused fills out Part A on the back of the Uniform Traffic Ticket, a guilty plea is entered, and most procedural rights are waived. The optional "guilty with explanation" is little more than a way to encourage a guilty plea. Choosing Part A is choosing conviction, no further explanation will change this fact.

If a citizen refuses to relieve the state of its usual burden of proving guilt, the state must prove its case. Anyone who receives a traffic ticket is entitled to plead not guilty, regardless of the circumstances. It is then up to the state to prove guilt.

New York State requires that a person pleading not guilty be entitled to a written explanation of the circumstances leading to the ticket from the officer who wrote it. In addition, the officer who issued the ticket must appear in court to testify against the accused. If the state fails to produce such proof, there can be no conviction.

Suppose the 450 motorists SNARED in the State Police operation refused to plead guilty. To ensure a speedy trial, the cases must be heard within a month. Further, no civil cases can be scheduled that will delay a criminal trial. A traffic infraction is a criminal offense.

With an allowance of twenty minutes per case, it would take a town court an entire month to hear all the 450 traffic cases. The economic loss in court, police, and citizen time would be staggering.

The state cannot hope to collect the windfall revenue obtained by their ersatz tax collectors unless those ticketed decline to request the rights that they are guaranteed.

If you approve of this method of tax collection, fill out Part A. If you prefer the state to return to a realistic speed limit and nonunderhanded tax schemes, fill out Part B.

Margaret M. Fries

No human being, nor any number of human beings, have any right to make laws, and compel other human beings to obey them. To say that they have is to say that they are the masters and owners of whom they require obedience.

Lysander Spooner

United We Fail, Divided We Prosper

After a visit to an exhibit on the Constitution in New York City, I was struck by a comparison not emphasized in the exhibit. The population of the United States in 1787 was just short of four million people.

Yet, one of the chief concerns of the founders was to ensure that none of the thirteen jurisdictions that made up the recently united states should overwhelm any of the others. By extension, this arrangement would mitigate against any government's encroachment on individual liberty.

Toward that end, they created a federal system replete with divided and limited powers, checks and balances, and (a little later) a Bill of Rights. All for four million people. They were deeply concerned that none of the thirteen should get carried away with themselves, as King George did, and start taxing the daylight out of the rest of them.

The population of New York City today is just short of eight million people, about double the population of the entire United States in 1787. New York, New York is subdivided into five jurisdictions which are actually five separate counties of the State of New York. New York County became identical with New York City in 1874, and the five counties were integrated into the city in 1898. (The counties themselves antedate the Revolution, which is why they have peculiar names like "Queen's" and "King's.") As a result, the eight million stories of the Naked City have one undivided government.

When price controls on rents are revised, one decision is made.

When school policies are set, one decision is made.

When public transportation is organized, one decision is made.

When refuse is to be collected and disposed of, one decision is made.

The idea, I presume, of joining the

then-suburban counties into the center city was to achieve better government -- perhaps, a more efficient system that somehow relied on economies of scale, or some similar rationalization, to streamline the town organizations of the outer boroughs. Today, however, there appears to be a decided association between the size of the political structure and the badness of decision-making.

The more tightly the city controls rents, the lower the vacancy rate of available housing becomes -- currently around one percent, the lowest in America.

The larger the city's public education establishment, the more desperate the parents become to get their children out of it.

Greater city control over transportation has been followed with lower per capita subway ridership and costs that have far outrun inflation.

The more entrenched the Department of Sanitation becomes, the worse the appearance of our streets and parks.

The Founding Fathers knew better. Their concern was not just that the U.S. was vast and that communications were then slow, but that four million human beings were bound to be diverse. That requires that government agencies at all levels be responsive, limited in function, checked and balanced against each other, and required not to cross certain fundamental lines of individual rights.

In 200 years, communications have sped up immeasurably. The environs of New York City are much smaller than those of the original thirteen states. But human beings are just as diverse, and their need for freedom is just as crucial. The grotesquely bloated political establishment of New York City is a dismal failure.

Jonathan Carriel

(This is an abridged version of an article that appeared in the Big Apple Libertarian. It is reproduced here without permission.)

Measures are often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.

A Universal, Compulsory Lost-and-Found

On a Saturday evening turned clammy and dank in March, 1976, I attended the New York State Libertarian Party's annual dinner, and I experienced a resurgence of libertarian conviction, the like of which makes such affairs worthwhile.

But I had to leave early, and when I parked my car I discovered that my hat was still at the dinner. Inspired as I was by orations to freedom, by the entertainment and good company left behind, I hit upon the idea of a private, mutually beneficial barter arrangement that would demonstrate how cooperative voluntary association could, and should, comprise the social order. I phoned the banquet hall and reached one John Doxwell, or Boswell.

"Please," I said, "announce that I have left a brown, felt, Bogart-type hat which anyone size 7-1/8 who wants to keep the rain off his head can wear home and bring to me tomorrow at the final session of the state convention."

I returned the next day to the hotel and no one had my hat or had heard it mentioned. I was as hatless as if there had been no social order at all. In protest I went for years without buying another -- and just as my principles direct me straight to private and voluntary forms of intercourse, so am I free, if not compelled, to reject that approach where it has been tried, and failed.

Libertarians agree that government, if there is to be any, should provide only the things we couldn't have otherwise, to which we must now add, "a Lost-and Found." Loss is universal and naturally adheres to the broadest level of government, the Federal.

And, as it is better to have simple government, I propose a separate, Cabinet-level department, with its own U.N. representation to cover international and undersea disappearances. (Present lost-and-found would, of course, be licensed by the Secretary of Lost-and-Found (SECLAF) to protect standards.)

How should this modest endeavor be funded? In all fairness, a graduated payroll and profits tax, withholding more from those with more to lose, would enable those with good memories to carry their share of a forgetfulness burden that affects the lives of all.

The greatest virtue of this proposal is that all of us could be sure our freedom was safe from the person we must deal with who loses what belongs to him -- far from a victimless crime, as we have seen -- not to mention the person who makes no effort to find things.

I have never misplaced anything except, on occasion, a hat or keys, but if I ever proved to lack the capacity to own property I would unhesitatingly take my turn to be fined or sentenced alongside the most incorrigible losers of musical instruments, automobiles, even husbands and wives.

Leonard Rubin

Addendum

(1) I have learned that a universal, compulsory lost-and-found was established in China, but I shall not attempt to revise my proposal, as there is no more time to lose.

(2) Which one of you communists kept my hat?

A Future Article in the New York Times?

"The guilt of those who deluded one generation after another, poisoning their minds and souls with lies, is immeasurable...Today we are reaping the bitter fruits of our own moral laxity. We are paying for succumbing to conformity and thus to giving silent approval of everything that now brings the blush of shame to our faces and about which we do not know how to answer our children honestly...the decision [to cancel exams in Soviet history] is sober, honest, and dignified...Perhaps this, as nothing else, testifies to the triumph of new thinking, to the readiness to discard traditional approaches. Only yesterday one could not even suppose that such a decision was possible, let alone would be implemented."

The Soviet newspaper, Izvestia, in its June 10th edition.

Responsibility and Freedom

One of the most common mistakes of someone hearing about libertarianism for the first time is the confusion of liberty with license. We cannot have the freedoms envisioned by libertarianism, they reason, because surely such a society will necessarily run amok.

It is true that freedom, just like all pleasures in life, must be practiced responsibly. But, this responsibility must lie with the individual, not some supernumerary government.

The Libertarian Party Platform eloquently states the libertarian position on freedom and responsibility:

Members of the Libertarian Party do not necessarily advocate or condone any of the practices that our policies would make legal. Our exclusion of moral approval and disapproval is deliberate: People's rights must be recognized; the wisdom of any course of peaceful action is a matter for the acting individual(s) to decide. Personal responsibility is discouraged by society routinely denying the people the right to exercise it. Libertarian policies will create a society where people are free to make and learn from their own decisions.

Libertarians are not libertines. Libertarians are liberators.

Zero Tolerance of Freedom

The Federal government has embarked on a much publicized and ominous enforcement of its drug laws. The insidiousness of mood-altering drugs is no excuse for the arrogant, arbitrary thievery put in practice by agents of the U.S. government. Aptly named "zero tolerance," this policy should put a chill into the spine of any freedom-loving individual.

The government action that received the most media attention was the seizure of a yacht in international waters when traces of marijuana were found on board. This led to a policy that no such seizures would take place in international waters. Still, no one is safe within twelve miles of the U.S. coast.

Most people do not own yachts, so they might think that zero tolerance is remote from their lives. They should think again. U.S. Customs agents are vigorously enforcing zero tolerance at all borders, including the New York state border with Canada.

Consider the case of a Rochester tourist reentering the U.S. at the Rainbow Bridge in Niagara Falls. The customs inspectors found a misdemeanor amount of marijuana in his car. They promptly impounded his \$18,000 car, and the chances of the car being released to the

owner are slim.

In one month 43 vehicles were seized by customs officials at the Buffalo-Niagara Falls crossings with Canada. Some of these vehicles were only carrying paraphernalia, not drugs. Nationwide, 1700 vehicles were seized in the first month of zero tolerance. A customs official claims that the owners will seldom be able to regain their property. The law provides that the cars become the property of the U.S. government unless "mitigating reasons" can be established.

The ominous part of this policy is the precedence it sets for future government law enforcement. Without any hint of due process the government has demonstrated the will to confiscate private property at the slightest provocation. What moralistic crusade will next top the politicians' hit parade? Illicit sex, perhaps. Yes, any unmarried person found carrying birth control devices shows intent to sin, and he or she should be punished.

Will your life and property ever again be safe from government? (Have they ever been safe from government?) Free people are more in need of protection from thugs than from drugs.

Vices are those acts by which a man harms himself or his property. Crimes are those acts by which a man harms the person or property of another. Vices are simply the errors which a man makes in his search after his own happiness. In vices, the very essence of crime -- that is, the design to injure the person or property of another -- is wanting.

Lysander Spooner, 1875

The Libertarian Party Program: Taxes, The Cruellest Burden

The Libertarian Party's goal is to replace compulsory taxation with voluntary methods.

The government uses force to collect taxes. This amounts to stealing the earnings and property of the people, then using the funds in ways many people disapprove. Private citizens and companies would be called criminals for using such methods. If we call an act immoral or illegal when private citizens do it, the same labels apply when government does it.

When taxation takes money or property from productive private citizens and transfers it to government, economic productivity declines. Employers cannot expand, businesses fail, jobs are lost. Even successful businesses must still pass on the cost of taxes to consumers. Everyone loses except the government. Experience shows that government is inefficient. Most things the government does can be done better by private businesses, private charities, and other community organizations.

To begin the process of replacing taxation with voluntary ways of raising money for proper government activity, we propose:

1. People should not have to go to jail for falling behind on their taxes. Tax collectors should use the civil courts to collect taxes the same way private citizens collect debts. The federal and state governments should remove criminal penalties from all tax codes. The President and state Governors should pardon anyone previously convicted under criminal tax statutes.

2. Neither Congress nor any state legislature should create any new tax or increase any tax rate from this day forward.

3. A "sunset" provision should be added to every tax statute. Such a provision would end the particular tax after three years unless it is re-enacted. For state and local taxes, only a vote of the people should re-enact any tax.

4. Tax money should no longer subsidize any government service which competes with private business, like power plants, recreation areas, water supplies, transportation, etc. To remove politics from these vital services, the government should sell them to private operators so that the consumers will have control.

FREE NEW YORK

The Libertarian Alternative

In This Issue . . .

Election '88 News

Zero Tolerance

Government Statistics

Speed Traps

And More . . .

Post Office Box 6276
Albany, NY 12206

Address Correction Requested

Non-Profit Organization
U.S. POSTAGE
PAID
Albany, N.Y.
Permit No. 257