



Free New York

February 1999

Page 1

The official newspaper of the Libertarian Party of New York

Calendar

April 24-25, 1999 - LPNY convention in Holtsville, Long Island

August 21, 1999 - 3rd annual LPNY picnic

Got an event? Let us know!

Address Changes

The mailing list for LPNY is now being maintained by national. All address changes/corrections can be sent to:

Libertarian Party HQ
Watergate Office Building
2600 Virginia Ave. NW,
Suite 100
Washington, DC 20037

To Contact

Free New York

US Mail: Jeffrey Russell
55 Via Da Vinci
Clifton Park, NY 12065

Phone: (518) 371-3641

E-Mail: JRuss1776@aol.com

Fax: (518) 371-3364 (but call first, normally it's not turned on)

New Date For LPNY Convention In Holtsville, Long Island

The date of the 1999 LPNY State Convention has been changed to April 24 and 25. It will be at the Best Western MacArthur Hotel in Holtsville, Long Island. This is exit 63 off the LIE.

Speakers will include Robert James Bidinotto, Di-

rector of Special Projects for the Objectivist Institute, Roy Innis from CORE and Michael Tanner, Cato author.

Attendees will also elect new officers and vote on changes to the bylaws and platform.

For more information, call (518) 371-3641.

For more convention details, see page 4.

Raab Robbed

The New York State Board of Elections has reversed its decision which declared Ira Raab one of the winners in the election for Supreme Court Judge in the 10th district. In the "official" results released by the Board of Elections, Raab was listed with 303,145 votes placing him 5th in a field of 15 candidates. The top six finishers were elected. Raab even received notification from the Board of Elections telling him that he was a winner, and he sent a letter of acceptance back to the Board of Elections.

Then on December 22, the

Board of Elections reversed its "official" results. Citing a combination of computer and human errors, the Board of Elections declared that Raab had actually finished 10th in the race. In addition to Raab, 4 other candidates had their "victories" overturned by the Board of Elections.

Although, Raab was not running on the Libertarian line, he has always admitted publicly that he is a Libertarian, and he was a featured speaker at the Libertarian Party's national convention in Washington, DC last July. The 10th district covers Nassau and Suffolk Counties.

Goodman Files 510(k) For Marketing Marijuana

by Robert Goodman

In 1938 Congress amended the Federal Food, Drug and Cosmetic Act to include coverage of diet pills, not just disease-related articles, as "drugs" or medical "devices". But rather than including diet pills per se, they (as well as state legislatures boilerplating the language in pharmacy laws) included "articles intended to affect the structure or any function of the body of man or other animal". It's never been clear how far that goes; a moment's reflection shows that practically every article of commerce in the world would then come under the food and drug laws, were this taken literally. Examples of articles that've been so interpreted have been birth control pills and antiperspirants. However, despite colloquial usage, recreational drugs have not been considered "drugs" under such laws. FDA action has been fairly consistent with ruling "substances of abuse" such as heroin and marijuana to be beyond their purview.

So it was a major departure when the FDA decided recently to extend jurisdiction over tobacco products. Acting under recent amendments giving the agency broad discretion as to whether to consider an article a "drug" or rather a "device", the FDA sought disingenuously to exploit a certain passage wrenched out of context from enabling legislation to treat cigarettes, smoking tobacco, and smokeless tobacco as "restricted devices" whose sale in interstate commerce could be conditioned on practically any regulations.

After notice and comment, those regulations were promulgated, and challenged in a district court. That court upheld the jurisdictional ques-

tion, but that was reversed on appeal to the 4th Circuit Court of Appeals. Now the Justice Dept. has appealed to the U.S. Supreme Court.

That being the case, I've filed 510(k) notifications with the FDA for marketing marijuana cigarettes and loose cannabis as substantially equivalent devices to the analogous tobacco products. A 510(k) is a frequent means by which medical devices are marketed, stating one's opinion that the device is like one that's already on the market. The FDA can be very liberal at acknowledging such equivalence, so that a wide variety of devices have entered interstate commerce without specific FDA licensure. Note that I'm not claiming therapeutic use of the products, only recreational.

If the products are substantially equivalent, then there would be no legal reason for them to be subject to different FDA regulations. The to-

bacco regulations (subject to the Supreme Court appeal) allow non-prescription sale to persons at least 18 years old. The Controlled Substances Act says the attorney general "shall" remove from controls any "substance" which may be purchased by consumers without a prescription under the Federal Food, Drug and Cosmetic Act. Therefore it becomes legal in jurisdictions such as D.C. (where there are no state laws to contend with) for adults to manufacture, sell, and possess cannabis without specific authorization.

I gave the government's lawyers a warning, a chance to drop their appeal, but they've pursued it, so I'm going to make them squirm.

Robert Goodman was the LPNY candidate for Comptroller in 1998 and is currently an at-large member of the State Committee.

LPNY Officers

- Chair: James Harris, PO Box 1036, Rockville Centre, NY 11571
(516) 646-8897
- Vice-Chairs: Blay Tarnoff, 50 DeKalb Ave., Apt S6, White Plains, NY 10605
(914) 949-1945 e-mail: blay@bigfoot.com
Audrey Capozzi, PO Box 613, Bellport, NY 11713
(516) 286-7631 e-mail: Audgeo@aol.com
- Secretary: Caryn Cohen, 601 Pine Drive, Bay Shore, NY 11706
(516) 968-6164 e-mail: CCohen@suffolk.lib.ny.us
- Treasurer: John Ayling, 337 Lakeview Drive, Mahopac, NY 10541-3344
(914) 628-7676 e-mail: John.Ayling@IBM.net
- At Large: Bradford Arter, 7912 31st Avenue, Flushing, NY 11370-1820
Robert Goodman, 1402 Astor Ave., Bronx, NY 10469 (718) 547-4165
e-mail: RobGood@bestweb.net
David Harnett, 234 Cream Street, Poughkeepsie, NY 12601-6316
(914) 452-4753 e-mail: doberman@sprynet.com
Mary McAllister, 18 Craigville Road, #8-3, Goshen, NY 10924
(914) 294-5264 e-mail: MaryMc@warwick.net
Donald Silberger, PO Box 1080, New Paltz, NY 12561-0020
e-mail: DonSilbs@banet.net
- Past Chair: Lloyd Wright, 16 Fairview Road, Hopewell Jct., NY 12533
(914) 226-3387 e-mail: lw.free.ny@mhv.net

Harris & Russell Running for Chair

Jim Harris, the current state chair of LPNY, has announced that he will seek re-election this year. He was elected to the position at the convention in Poughkeepsie last March. Prior to that he served as treasurer of LPNY. Harris is from Nassau County.

Jeff Russell of Saratoga County has also announced that he intends to run for state chair this year. Russell is currently the chairman of the Capital District LP and serves as their representative on the State Committee.

The election will be held at the LPNY state convention in Holtsville on April 24 and 25. The convention will also elect 9 other members of the State Committee. They are: 2 vice-chairs, a treasurer, secretary and 5 at-large members.

Schulz Radio Show Goes Prime-Time

Bob Schulz, LPNY's 1994 candidate for Governor, started his new prime drive time radio talk show on Feb 1st. the show spotlights the New York Constitution, its principles and history.

"We will demonstrate that the way government is working is in sharp contrast to the way it was designed to work. We will lead and energize a public debate on the question, 'Is rebellion necessary in New York State?'" said Schulz.

The radio talk show broadcasts from Albany from the studios of WROW 590AM, from 3:00 to 6:00 p.m., Monday through Friday. While they intend to syndicate the program as soon as possible, anyone can currently hear the program by accessing the website and using RealPlayer software. The website is: www.wrow.com. Anyone wanting to call into the

show and speak to Schulz on the air will be able to do so by dialing 1-800-WROW-590.

Schulz can be contacted at: acta@capital.net. His website address is: www.webny.com/acta.

Queens Plans Tax Protest on April 15

The Libertarian Party of Queens County is working on plans for a tax protest on April 15. As of press time, details haven't been worked out, but it will probably involve handing out LP literature near a major post office in the city. If you'd like to participate or contribute ideas, contact Brad Arter, the LPQC's Chair, at (718) 898-9596. You can also check the LPQC's Web site (<http://members.aol.com/lpqc>) for plans as they develop.

Local Chapters

<u>Chapter Name</u>	<u>Local Contact</u>	<u>Phone Number</u>	<u>Meetings</u>
Suffolk	Barry Loberfield	(516) 543-3510	call for details
Nassau	Vincent O'Neill	(516) 676-8029	3rd Tuesday at 8:00 PM 230 Hilton Ave., Hempstead
Queens	Brad Arter	(718) 670-3270	2nd Saturday at 10 AM Bohemian Hall, 29-19 24th Avenue, Astoria
Thomas Paine	Blay Tarnoff	(914) 949-1945	
Hudson Valley	Donald Silberger	(914) 255-8819	1st Tuesday at 7:00 PM College Diner, Route 299, New Paltz
Capital District	Jeff Russell	(518) 371-3641	2nd Tuesday at 6:00 PM Branch Restaurant, Maiden Lane, Albany
Southern Tier	Will Kone	(607) 687-7597	

Libertarian Party of New York 1999 State Convention

April 24 & 25

Best Western MacArthur Hotel,
1730 North Ocean Ave., Holtsville, NY

Speakers Include:

Robert James Bidinotto,
Director of Special Projects for the Objectivist Institute

Michael Tanner, Cato Author

Roy Innis, Director of CORE

David Nolan (not yet confirmed),
founder of the Libertarian Party

cost \$99.99 for complete package,
includes lunch & dinner on Saturday & all speakers
\$79 for speakers and 1 meal
\$49 for speakers only
all prices are good through April 10
after that add \$10 per package

room rates for conventioners \$99 + tax includes continental breakfast
hotel is located right off exit 63 of the Long Island Expressway on the south service road
for reservations call (516) 758-2900 or fax (516) 758-2612

for more information call (518) 371-3641

Name: _____

Address: _____

City/Town _____ State _____ Zip _____

make checks payable to the Libertarian Party of New York, and mail to LPNY, PO Box 1036, Rockville
Centre, NY 11571

Dance For Freedom

On Saturday, January 9, 1999, LPNY member Travis Stewart (better known as Lower East Side Performance Artist Trav S.D.) joined 300 other downtown characters in a four-block long conga line up Avenue A in Manhattan to protest Mayor Giuliani's resurrection of the 1926 "Cabaret" law. The Cabaret law allows the police to shut down any bar, club or restaurant that permits dancing without a license.

Incensed at the absurdity of enforcing a law better suited for 17th century Massachusetts, Robert Prichard, co-owner of the alternative comedy club Surf Reality and its sister-club Baby Jupiter formed the **Dance Liberation Front**, a group that makes a mockery of the law by staging spontaneous "dance actions" in public places.

True to form, Rudy sent dozens of troops out to quell the disturbance on January 9, forcing the demonstrators to stay in single file - which, admittedly, is not much of a hardship when you're forming a conga line. Along the way, Trav S.D. managed to deliver the LP's message of freedom to several of the MANY press people on hand, notably folks from **New York One** and **BBB Radio**. "People have a right to do what they want with their own bodies," he told the Beeb, "and no government on earth has any business interfering."

LP members interested in finding out about the next dance action are invited to call (212) 777-2875.

Message From The Chair

by Jim Harris

1999 YEAR OF LOCAL ELECTIONS

One object of the Libertarian political party is greater political freedom through political action. At some time, in the future, we will elect a Libertarian governor as well as a Libertarian majority in the Senate as well as in the Assembly.

The first statewide measurable political victory of a political party is official recognition—major party status. The next time we have an opportunity to become a recognized party will be in the year 2002 with 50,000 votes cast for our gubernatorial candidate, Jane or Joe Libertarian.

To win in 20-0-2 we will need to practice two skills; 1st—petitioning, 2nd—running a campaign.

1999 is the first practice season. I suggest we, 1000 plus dues paying members in New York, choose the election in a local city, county or township. The reason I suggest this is to have the most candidates on a single petition form with the least needed signatures (1500), that covers the greatest population, and has the greatest number of known Libertarians on our data base, for volun-

teers.

A successful practice season will be three-fold; 1st-actually getting on the ballot, 2nd- having a Libertarian with ideas about political freedom communicating to the general public, 3rd- ultimate success has been achieved if more people join the party and we have more volunteers for the next election.

If we practice, practice, practice in 1999, 2000 and 2001, suddenly it will be twenty ought two. In twenty ought two we individually and together will stand up to be counted and we will acquire 50,000 plus votes for our gubernatorial candidate.

We, 1000 plus paid members in New York, have our future in our hands. Only we Libertarians individually and together can do it. Each of us needs to be involved in elections across the state. This adventure into the never, never land of politics will bring frustration and exhilaration, as well as laughter and tears. You will be tired, mad as hell, as well as enlightened and fulfilled. This adventure to greater political freedom is yours, mine and ours—jump into the fray—and welcome home.

Change to Bylaws Proposed

The following changes have been proposed to LPNY's bylaws. These changes will be debated and voted on at the annual convention in Holtsville on April 24 and 25.

Article 8, Endorsements, in 1998 had added to it paragraph E:

"No candidate shall appear on the Libertarian Party line for any political office in New York State who is not a member in good standing of the Libertarian Party of New York."

Proposal 1 changes this to read:

"No candidate shall appear on the Libertarian Party line for any political office in New York State who does not subscribe to the Principles and Objectives of the Libertarian Party of New York."

Proposal 2 changes it to read:

"No candidate shall appear on the Libertarian Party line for any political office in New York State who has not certified in writing, 'I do not believe in or advocate the initiation of force to achieve political or social goals.'"

The reason for either of these changes is to allow greater flexibility of the state and county LPs in choosing candidates, who may not want to belong to the national AND state parties, as now required by paragraph E with the Unified Membership Plan in force.



How to Join the Libertarian Party

Our Objective:

The extension of individual freedom to its furthest limits.

Our Principles:

1. Each individual possesses the inalienable right to life, liberty and justly acquired property.
2. No person or institution, public or private, has the right to initiate the use of force against another.
3. All individuals are entitled to choose their own lifestyles, as long as they do not forcibly impose their values on others.
4. The only moral basis of politics is the preservation and protection of individual rights.
5. The voluntary and unrestricted exchange of goods and services is fundamental to a peaceful and harmonious society.

I hereby subscribe to the Objectives and Principles of the Libertarian Party of New York, certifying that I do not believe in or advocate the initiation of force or fraud as a means of achieving political or social goals.

Signature: _____ Date: _____

(signature required for membership, not required for subscription only)

Print Name: _____

Mailing Address: _____

County: _____ (we organize by county)

E-Mail: _____

Home Phone: _____ Work Phone: _____

Occupation: _____

☐ Joint Regular NY and National \$25

☐ Sustaining \$100

☐ Patron \$500

☐ Life Member \$1000

☐ Renewal

☐ New Member

Make checks payable to: Libertarian Party, and mail to Libertarian Party, 2600 Virginia Ave., NW, Suite 100, Washington DC 20037