The Illinois Libertarian

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BALLOT STATUS ALMOST CERTAIN!

With less than a week to go before the filing deadline, the Libertarian Party of Illinois already has 30,700 signatures needed to meet the requirement for 25,000 valid signatures to qualify for the ballot for November 2nd.

With more than 75 people working on the ballot drive at least part time during the final week before the August 2nd filing deadline, the LPI expects to submit nearly 40,000 names to the State Election Board in Springfield. County fairs in both DuPage and Lake Counties during the last few days of July should provide opportunities to swell the signature count significantly during the last few days of the qualifying period.

The last hurdle the LPI faces before its ballot status can be confirmed is the five-day period during which challenges can be filed against any of the signatures submitted. The requirements for challenging are difficult, particularly since state law requires all of the signatures be bound in a single volume: the challenge period last just five days, and any challenged signature must be challenged on an individual basis.

With the expected total of 40,000 signatures, it is highly unlikely anyone....or any group....will find the energy and resources to mount a successful challenge.

LPI volunteers who have been working on the petition drive have been careful to insure that anyone who signed a petition was a registered voter, rather than simply an individual who was old enough to be eligible to register. LPI officers are confident the members have collected "high quality," or hard-to-challenge signatures.

Now, both the state LP office and the local LPI clubs are busy turning their attention to the campaign: organizing schedules for the eight state-wide candidates, and raising money to pay campaign expenses.

When the LPI's ballot status is confirmed later this month, the Libertarian Party of Illinois will join at least 15 other states where ballot status has already been confirmed. The Libertarian Party expects to be on the November ballot in 35 to 40 states, including such major Electoral College states as Illinois, Indiana, Ohio, Michigan and New Jersey.

Campaign, Newsletter Planning Highlight Region Four Reps' Minneapolis Work Session

This is the year to concentrate on winning the campaigns we run.

LPI chairman Rich Suter told more than 20 candidates and LP activists that conducting purely educational campaigns no longer serves a useful purpose.

"Educational campaigns begin with the assumption you will lose. Losing an election-year race for office keeps

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CAMPAIGN, NEWSLETTER PLANNING (from page 1)

you from having a forum for your ideas between elections. The winning candidate has virtually automatic access to the media during an entire term of office."

Suter's remarks were part of an extensive exchange of ideas during a Region Four meeting in Minneapolis July 24th. The LP representatives, candidates and other interested individuals took time from their active schedules to coordinate some of the planning to be done in advance of the November elections.

The Missouri LP will not be on the ballot state-wide, but it does have local candidates running in some areas.

The Wisconsin LP has filed enough signatures to qualify to be on the ballot, but could face a tough challenge from an apparently hostile state election board.

The Minnesota LP is waiting for final confirmation of its ballot status, and does not seem to be in any danger of being kept off the ballot.

The Illinois LP, of course, has just filed its signatures, and expects to receive ballot-status confirmation within a week.

The Iowa LP still has several weeks to go in its ballot drive, and already, members have collected more than half of the names needed to qualify.

After that exchange of reports on what the state organizations have accomplished since the last Region Four meeting, the full group turned its attention specifically to strategy for the campaigns.

Illinois Libertarian editor Ken Jameson and Show Me Freedom! (Missouri) editor Pam Elliott talked briefly about the magazine and tabloid format newsletters, then took a number of questions dealing with efficient production, costs, mailings and related publicity requirements.

The discussion turned from newsletters to raising money: identifying potential contributors and what methods work best when first approaching them to donate to and support LP candidates.

Calling on his long experience with mailing lists and fund-raising appeals, Suter spent about 30 minutes explaining and outlining the best techniques....and then answering specific questions.

Later, Suter and Jameson spent nearly 90 minutes more detailing the phases and tactics of a low-budget campaign designed to capture maximum media attention and strong personal contact with individual voters....outlining a number of techniques, from mass mailings to walking precincts to scheduling "coffees" for the candidate.

Led by Region Four chief Dale Hemming, the discussions continued through most of dinner....but broke down completely during after-dinner entertainment and a party at Hemming's apartment.

LPI Judicial Posts Still Open

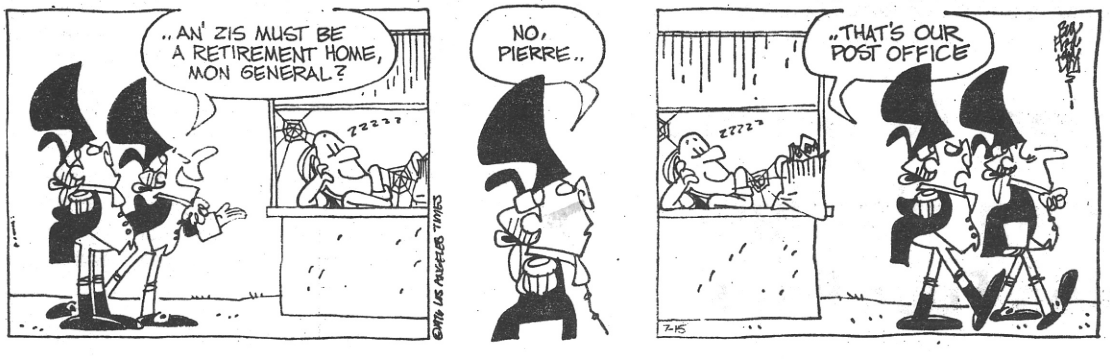
LPI vice chairman Jeff Smith reports only three individuals have announced their candidacies for membership on the five-member Judicial Committee: Job Cobb, Don Parrish and Ken Sturzenacker.

The Judicial Committee arbitrates disputes between local clubs, and disputes arising from interpretation of the LPI constitution and by-laws. It is also responsible for determining when a member has violated the LP oath against the initiation of force or fraud.

The State Central Committee is looking for at least two more people who are willing to serve on the committee.

If you"re interested in being considered, please announce your candidacy, and contact Jeff Smith as quickly as possible....so your name can be submitted to the local clubs for a vote.

YANKEE DOODLES **By Bon, Fred and Don**



The LP position on victimless crimes opens a clear new area of thought on the proper relationship between the individual and the state. A victimless crime is a contradiction in terms...a mirage totally inconsistent with reality.

A crime is committed only when someone initiates the use of force or fraud against someone else. All other actions are merely the non-criminal expression of an individual's right to live and act in any manner he or she sees fit.

forum:

VICTIMLESS CRIMES

Some in a society may disapprove of the actions of individuals who do not conform to the majority of tastes or accepted behaviors of the moment. Those individuals have the right to disassociate themselves from actions and lifestyles of which they do not approve.

But when this disapproval leads to laws that interfere with the inherent right of the individual to choose the directions of his own future, then society becomes an aggressor by using government to impose its will on the individual. Such an individual then becomes a victim who is forced to relinquish life, liberty or property to the aggressor state. But Libertarians hold no one, even government, has the right to use force until force has been used against that individual or that government.

Any law for or against the voluntary activities of consenting adults violates their civil liberties and economic freedom to pursue happiness...as they see it.

BY ANNE MCCRACKEN

"IT'S UNFORTUNATE, IT JUST LOOKS BAD....I'M SORRY HE'S DEAD....BUT I DON'T LIKE THE IMPLICATION THAT WE DID SOMETHING WRONG. WE DID THE BEST WE COULD. SO, SOMEONE FORGOT TO READ HIM HIS RIGHTS. OUR INTENTIONS WERE REASONABLE AND GOOD."

DR. LEROY LEVITT

ILLINOIS DEPARTMENT OF MENTAL HEALTH

"REASONABLE AND GOOD INTENTIONS"

BY EDWARD J. BENETT

No major political party candidate has made mental health law a campaign issue this year; but mental health must be an issue, before you and I are declared incompetent, crazy or dangerous.

Don't laugh. It is frightfully easy to be committed against your will to a mental hospital in Illinois; and it is frightfully difficult to get yourself "uncommitted."

The traps are Illinois civil law...and federal court precedent giving psychiatrists nearly unlimited power to take your life into their own hands against your will.

I know. I spent more than a year trying to save one man from the morass of the Illinois mental health system. Even though I gave the case all of my legal skill, energy and determination, I failed.

Robert "Bob" Friedman died last April without ever returning to the reality he lived in. Just seven months after being confined to Chicago-Read Mental Health Center, Friedman lost his ability to be self-sufficient and finally, he lost his will to live.

Friedman was best known to the Chicago news media as "the wealthy beggar." His case eventually received national media attention.

His crime: disorderly conduct. He was arrested in a downtown Chicago bus terminal when he tried to panhandle a dime from two undercover narcotics agents. He was carrying $24,000 in cash at the time.

What I proved to myself, as the result of Robert's case, is that once put onto the present mental health system treadmill, few of us are strong enough to get off.

No one could be less dangerous than Robert Friedman. He was a gentle person who lived alone in an $80-a-month hotel room, a stenographer-typist who simply wanted to be free to fulfill his dream of getting enough money to go to Israel to live.

(In February, 1975, as a favor for a friend, attorney Edward J. Benett agreed to represent Chicago's "wealthy beggar," Robert Friedman, who was facing involuntary commitment to one of Illinois' mental hospitals.

That inconspicuous beginning radically altered the young DePaul University law professor's perception of Illinois mental health laws.

This is the first time Benett has told his own version of the case...the pitfalls he encountered while trying to preserve his client's right to determine his own best interest.

Attorney and associate professor Edward J. Benett has taught commercial law at the DePaul University College of Law for seven years.--ed.)

No one could get more legal attention during a confinement than Robert Friedman. I spent hundreds of hours working on his case, and brought in three of the best experts I could find in the field on mental health: Edward Beis, who has handled hundreds of mental health cases as an attorney and director for the Cook County Legal Assistance Foundation; Joel Klein, an attorney for the Mental Health Law Project in Washington, D.C.; and Dr. Bernard Rubin, a nationally-renowned attorney-psychiatrist from the University of Chicago.

No one could have had more people claiming to work in his best interests than Robert Friedman. I don't believe anyone....including the policemen who arrested him, the judge who committed him, the state psychiatrist who treated him or his family who loved him....was acting in bad faith.

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Prostitution: Prohibition Cannot Close the Constant Market for Bodies

BY JOE COBB

A few weeks ago, Chicago alderman Edmund Burke (14th Ward Democrat) introduced an ordinance that would give patrolmen the power to arrest women for soliciting and prostitution, modifying the present vice squad system for making such arrests.

A number of hotel managers and nightspot owners are worried about the increasing visibility of prostitutes in Chicago, and have demanded that "something" be done to get them off the streets.

A new ordinance giving more police the power to make prostitution arrests is supposed to lead to an all-out effort to rid Chicago streets not of prostitutes, but of someone's perception of immorality....so the mayor can continue to claim Chicago is a clean city and a good place to raise children.

But the effects of alderman Burke's anti-prostitution ordinance will be virtually the opposite of what he says he has in mind; and in both the short and long runs, such an ordinance will do more damage than good for the city's image.

The ordinance should be called the "Pimp and Patrolman's Relief Act of 1976."

The most direct effect of the new law will be to increase the amount of money a corrupt cop can collect as incentive to look the other way. The law will also increase the need for a male "salesman," since the prostitute herself will be forced to stay out of sight in one of the hotel rooms managed by some of the very individuals who are most upset about having women in the business visible on the streets.

Even though the product will not change, the visitor to Chicago who wants some action will have to pay more, and the women in the business will earn less. It is the various middlemen who will get a larger slice of the pie.

"NO LAW HAS EVER PUT PROSTITUTES OUT OF BUSINESS, NOR IS ANY LAW LIKELY TO, EITHER."

The process is simple: a woman in the business has to locate customers, or make it possible for customers to locate her. Aside from advertising in the newspapers or the yellow pages, she must either employ someone to send her referrals (the pimp, bartender, taxi driver, hotel bell captain, etc.), or she must take to the street herself and attract business.

Alderman Burke's ordinance will impose higher costs and risks on street solicitation, so the pimps and the crime syndicate become her only alternative....and they cost more. The law will force prostitutes to go to the middlemen and submit to their discipline. If she risks the street, some unfriendly patrolman might drive by and arrest her. Of course, he might be a friendly patrolman....and settle for a few dollars or a few minutes of her time, free. It used to be the case that only members of the vice squad were in on this option, but now the field is open to all.

The interest of the hotel managers and nightspot owners is not clear in all of this, because some of them simply want to begin collecting the middleman's fees. Getting the women out of the sight of customers simply means the customers will have to ask...i.e., pay....the bartender, bell captain, night desk clerk or someone else for directions to the women.

Others are genuinely just as upset as the mayor and alderman Burke, realizing that many visitors to Chicago are bothered by the sight of women obviously on the prowl. Certainly any hotel manager ought to have the right to throw out anyone who hangs around the lobby or bar and makes himself or herself unwelcome. After all, why would anyone hang around anyplace where he or she is obviously not wanted?

In the case of the prostitute, the answer is simply: she has no other choice, because she cannot advertise in any legal manner.

The solution to the problem is not to pass still another unenforceable ordinance; but

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Dealers in Death: the Real Outlaws

A Look at the Effects of Heroin Prohibition

BY MICHAEL HOUGH

Addictive substances have what economists call an "inelastic demand curve"--which is the scientist's way of expressing the fundamental truth that the addict, in his desperation, will "pay almost any price"--will take practically any measures necessary--in order to obtain a steady supply of his drug. From this fact, which only can be ignored with disastrous consequences, it follows that variations in the price of a drug such as heroin have in themselves very little effect upon the quantity of the drug which is consumed, or upon the phenomenon of addiction. A rise in the price of heroin, such as that following government anti-heroin measures, is therefore, relatively ineffective in discouraging use of the drug. Similarly (and for the same reasons), a decline in price, such as would accompany heroin legalization, does not in itself lead to significantly higher rates of use or addiction.

On the other hand, the heroin prohibition definitely does impede medical research regarding addiction. At present, treatment facilities are grossly inadequate to meet the demand from addicts for help, and many doctors are inclined to overlook or belittle the problem when they encounter it during examinations of patients. Furthermore, it is widely admitted that medical scientists today have almost no understanding of the phenomenon of addiction and that no cure for heroin addiction has yet been discovered. Of the patients released from existing hospitals for addicts, 90 per cent return to heroin, often within a few hours or a few days. Such relapses are virtually inevitable among those many patients who have been committed involuntarily, since little motivation for reform is present in such cases. A few "successes" have been achieved through the use of methadone, another drug which blocks the withdrawl symptoms from heroin. Methadone, however, is even more addictive than heroin; furthermore, unless it is administered under the watchful eye of medical personnel, it can like heroin, be easily abused, and official mathadone-treatment programs have already led to the development of black markets for the drug. Consequently, many medical observers consider a methadone habit to be at least as dangerous as a heroin habit; certainly methadone can not be regarded as a "cure" for heroin addiction. Evidence suggests that psychological addiction to heroin is a permanent illness, so that craving for the drug may remain years after its use has been discontinued. Thus, curtailment of the supply of heroin, even if it were feasible, would not eliminate the pathological problem of addiction. Research into the psychological and physiological causes of addiction and into possible psychiatric and chemotheraputic cures for the disease is urgently needed. Legalization of the drug would facilitate scientific advances toward these goals, thereby making possible a long-term decline in addiction rates.

All things considered, the ultimate effect of laws against heroin is probably not to reduce heroin addiction (their ostensible purpose) but rather to increase it. The balance sheet does not end here, however.

In the free market, heroin could be obtained as cheaply as aspirin. Because of the government attempts to restrict the supply of the drug, however, its price is many hundreds of times higher in the black market, and to maintain a typical habit costs $25,000 per year. As was pointed out above, the addict is usually willing to pay almost any price, suffer any risks, and take any extreme actions necessary to obtain his drug. Thus many addicts in our society are driven to theft, muggings, burglaries, shoplifting and purse-snatching in order to obtain the enormous quantities of money required by the unlawful "pusher" to compensate his risks. The costs are still greater to the extent that the loot from such crimes consists of goods other than cash, since in black markets such goods can command only about one-fourth of their original value. While the ultimate responsibility of addicts for their own addictive condition and actions cannot be denied, it must also be recognized that the principal culprit is the government heroin prohibition which gives rise to these acts--amounting to some 50 per cent of urban crime, including 75 per cent of the muggings and burglaries in some cities--crimes which would seldom occur in the absence of such legal restrictions and for which innocent citizens must bear the costs. Such are the inevitable consequences of a coercive legal system that is primarily concerned not with protecting lives and property against aggressive invasion, but rather with interfering with the personal lives of the people.

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Yet, despite all of these factors working in his favor, Robert Friedman could not get off the treadmill. That, of course, should leave us all wondering what might happen to us....if, for example, we were perceived to be dangerous, if we had less legal and medical help, or if we had to deal with people who were not acting in good faith.

To provide an understanding of what we would encounter, I have broken down the so-called treadmill into four phases: the admission, pre-hearing trauma, hearing and post-hearing treatment phases.

THE ADMISSION

"ONCE PUT ONTO THE PRESENT MENTAL HEALTH SYSTEM TREADMILL,

FEW OF US ARE STRONG ENOUGH TO GET OFF."

Under existing Illinois law, anyone who is 18 years of age or older can have any other person committed to a state mental hospital with relatively little trouble. According to Section 7-1 of the Mental Health Code, all he has to do is fill out a petition available at any state hospital, obtain a certificate from any physician stating that upon an examination, the prospective patient is in need of hospitalization, and present both the petition and certificate, along with the patient, to the intake department of any Illinois state hospital. That's all that's required by law.

If the prospective patient refuses to go to a private psychiatrist for an examination, the state hospitals will allow their psychiatrists to be used; and if the prospective patient has had any run-in with the law, a circuit court may use its own psychiatrists.

In Robert Friedman's case, family members had been trying for years to get him to visit a "family psychiatrist," but he had always refused. When he was arrested on February 9, 1975 for panhandling at a Trailways bus station in Chicago, he had no choice.

The criminal court judge learned that Friedman had been carrying more than $24,000 in cash and ordered that he undergo an examination at the court's Psychiatric Institute. At the same time, the judge dismissed the criminal charges against Friedman.

If Friedman had been tried as a criminal and found guilty on his disorderly conduct charge, at most he would have received a brief jail sentence. With his clean record and the trivialness of his offense, it is most likely that his sentence would have been suspended.

By dismissing the criminal charge and referring him to a psychiatrist, the judge placed Friedman in the state's civil law process, the excuse for the state to ignore all of the rights and privileges of criminal defendants.

The rationale for this discrepancy in treatment is that in a criminal proceeding there are adverse interests, namely the state against the accused; whereas in a civil proceeding there are no adverse interests. In theory, everyone is acting in the best interests of the patient. In fact, the patient in civil commitment hearings is not even referred to as a defendant, but rather, as a respondent.

At the Circuit Court's Psychiatric Institute, more than 1,000 persons a year are "certified" for hospitalization to state mental health centers. Robert Friedman quickly joined the list.

It is safe to assume that psychiatrists at the Institute, as well as those working for the Department of Mental Health, are biased toward commitment.

First, many of the psychiatrists who work at the Institute or in state hospitals are not the most competent and secure. Many of them are graduates of foreign medical schools and have limited licenses to practice psychiatry in the state. It is rare to find a psychiatrist certified by the American Psychiatric Association working in a state or county facility.

Secondly, it is safer for an examining psychiatrist to refer a patient to a hospital than to release him. It avoids the possibility of public criticism, and even lawsuits, in the event a released person returns to the streets and commits a crime.

Whether the examining psychiatrist is from the courts, from a state mental health center or from private practice, his role in the admission process is as easy as checking off boxes on a one-page questionnaire. To commit a patient, all he has to do is check the boxes indicating the examinee has a mental disorder and either a propensity for dangerous conduct or an inability to care for himself.

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'Consenting Adults' are not Criminals

The Individual is NOT a Victim

BY RICH SUTER

Victimless crimes are big news in the media, legislative bodies and the courts. The publicity runs the gamut from "Wierd Harold" Rubin to Chicago's latest efforts to outlaw massage parlors.

At the heart of the concept is the idea that the majority of society (represented by the police and the courts) should intervene in situations in which people are not directly violating the rights of others. Christian conservatives argue that we are all "our brother's keeper," that it is society's duty to minimize the opportunity for individuals to deviate from the "straight and narrow." Their argument directly opposes the notion of the individual's right to freedom of individual choice.

Conservatives, however, are not alone in their reluctance to endorse the decriminalization of "victimless crimes" but are often supported by liberals, if for slightly different reasons. The liberals argue that simple humanity requires social intervention in cases where people may be injuring themselves or others. For example, legalized gambling should be taboo (so these liberals argue) because the poor are more likely to bet and lose their money, money which could be better spent on the necessities of life. In that case, other family members would lose the goods and services which the money squandered on gambling could buy.

In both the conservative argument and the progressive liberal argument there is a common thread of elitism and paternalism.

Both these arguments tend to negate an underlying principle of human action--the right of the individual to exercise control over his or her person and property. The details of a particular "victimless crime", whether it be alcoholism, drug abuse, prostitution, or whatever, should make no difference.

If the principle is conceded that people should be restrained from behavior which does not violate the rights of others, the law degenerates into a question of majority likes and dislikes--a tyranny by the majority upon the minority! If this sounds like an overture to the institutionalization of racism--it is.

"IF THERE IS NO VICTIM, THERE CAN BE NO CRIME. HOW WE CONDUCT OURSELVES IS A MORAL QUESTION THAT MUST BE ANSWERED BY OUR OWN CONSCIENCE. THE POLICE SHOULD FORGET ABOUT TRYING TO PREVENT CONSENTING ADULTS FROM ENGAGING IN SEX OR GAMBLING AND START CONCENTRATING ON REAL CRIMES LIKE RAPE, ROBBERY AND MURDER."

ROGER L. MACBRIDE

There is as much confusion about "economic crimes" as there is about "victimless crimes." This is primarily because many people believe in a simple economic fallacy; if someone makes a profit someone must have been robbed. This fallacy is even commonplace with the best educated people. However, if there are willing sellers and willing buyers, who voluntarily make trades, how can a "crime" have been committed? Almost every economic product or service, except those regulated by government, have substitutes at slightly higher or lower prices.

Government regulation typically doesn't protect the consumer as much as it outlaws substitutes, substitutes which would often cost less. For example, the law forbids a substitute supplier of telephone service in any given geographical area.

Is there such a thing as an "economic crime," therefore, which is not simultaneously a "victimless crime?" Exclude from "economic crimes" all acts involving force or fraud and you still are left with hundreds of forbidden acts. For example, to practice the trade of blacksmith in Illinois without a license is illegal; to sell electricity or telephone services unless you happen to be favored with an exclusive franchise is illegal. If you own a truck you cannot transport cargo for hire unless you have a license. During the Nixon administration, it was a "crime" to change your prices if you were a shopkeeper; if you were a wage earner it was a "crime" to earn more than you had earned before without government permission.

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PROSTITUTION: PROHIBITION WON'T WORK (from page 5)

rather, to allow prostitutes, call girls, pimps and others in the business or related industries such as massage parlors to advertise wherever they believe they can reach their potential customers most effectively....in newspapers, the yellow pages, wherever.

Under present law, of course, that would incense the marshalls of morality, who would descend upon such free market individuals in their futile attempts to eradicate forever such horrible sin. The fact that this "horrible sin" represents the imposition of a particular religious viewpoint against the individual's rights of private, interpersonal behavior does not seem to faze many people in this conservative city. It seems to be a fantasy peculiar to mayors, aldermen, civic and religious leaders that all people who do not benefit from a state-approved marriage license will refrain from sexual acts between consenting adults.

"THE ORDINANCE SHOULD BE CALLED THE 'PIMP AND PATROLMAN'S RELIEF ACT.'"

If prostitutes did advertise, nearly everyone would benefit.

First, advertising would do a great deal to change the character of the business: the prostitute could work at home, would, in fact, have incentive to work from home to answer the phone and the front doorbell....a change that would get most prostitutes off the streets where many other business people don't want them anyhow.

Second, advertising would help stabilize many of the variables in the life of a prostitute and her customers: the permanence of a prostitute's address and telephone number once she decided to advertise would discourage "hit-and-run" muggings and thefts; the customer who became a victim would have solid information to give law enforcement officials. And with the transient nature of the business reduced, doctors would find it easier to trace and treat suspected cases involving the transmission of venereal disease.

About the only people who would not benefit from allowing prostitutes to conduct their activities undisturbed would be all the "middlemen" who add to her costs and increase her risks: the male "salesmen," the corrupt cop and the dishonest politician who have all been on the take in one fashion or another.

"THE MOST DIRECT EFFECT OF THE NEW LAW WILL BE TO INCREASE THE AMOUNT OF MONEY A CORRUPT COP CAN COLLECT AS THE INCENTIVE TO LOOK THE OTHER WAY."

The women who practice prostitution and the men who enjoy it (not to mention the other, less common combinations) do not share that particular pious concept of sexual mores....and no silly law in restraint of trade is going to stop the business. It won't work that way: prostitution is not the world's oldest profession because no one is willing to pay the price for the various services a prostitute is willing to provide.

Forcing prostitution even further underground will increase the amount of corruption, the frequency of violence and the likelihood of disease; but the prostitution will go on. No man-made law has ever put prostitutes out of business, nor is any man-made law ever likely to, either.

"I'm too proud to go on welfare, that's why."

A REMINDER:

THE FORUM TOPIC FOR SEPTEMBER IS GUN CONTROL. THE OCTOBER FORUM ISSUE WILL BE REGULATORY AGENCIES: FUNCTIONS AND FAILURES.

One distressing opinion from the United States Court of Appeals for the Seventh Circuit last year upheld the right of psychiatrists to predict dangerousness even without an overt act or threat from the person. This opinion was handed down in the face of numerous studies and volumes of literature stating that dangerous behavior is almost impossible to predict.

In Friedman's case, the examining psychiatrist checked off the box saying "admitted to a hospital immediately as an emergency for the protection of physical harm of himself or others" and then added the following brief hand-written note:

"Hearing the voice of God, believes he has a special relationship with God, Arrested for asking for 10¢ in the bus depot. Had $24,000 on his person. One minute smiling--the next minute crying for no apparent reason. Unable to care for self."

PRE-HEARING TRAUMA

"THERE IS NO LAW IN THIS STATE TO PREVENT HOSPITALS FROM DRUGGING PATIENTS....OR INTERROGATING THEM IN A WAY THAT WOULD BE ILLEGAL IN A CRIMINAL SETTING."

Once a person is admitted to a mental health center, he can be kept there for up to five days without any judicial hearing.

Within that five day period, the patient can be given medication against his will and can be interrogated by hospital doctors without the presence of counsel. And again, it's all legal.

In Friedman's case, he was given five different types of drugs, some intramuscularly, even though he had never before used drugs. He was interrogated by a hospital staff psychiatrist, Dr. Amaury Escalona, who freely admitted in a television interview that he never extends "Miranda warnings" to patients because they would make the patients distrustful of doctors.

Forced medication and the denial of pre-hearing warnings were two issues raised in a federal lawsuit filed on Friedman's behalf last December. It was hoped that the lawsuit would set a precedent on these issues for the benefit of future mental patients.

However, after Friedman's death this April, his heirs (and possessors of his causes of action) decided to drop the lawsuit. As a result, there is still no case law or statutory law in this state to prevent hospitals from drugging patients awaiting a hearing or interrogating them in a way that would be illegal in a criminal setting.

MONEY FROZEN

"A LAWYER....REALIZES THAT IF THE PATIENT IS FOUND TO BE INCOMPETENT, ALL PRIOR CONTRACTS, INCLUDING THE CONTRACT FOR THE SERVICES OF A LAWYER, MAY BE DECLARED VOID."

If the person petitioning for someone else's admission wants to do a thoroughly oppressive job, he will at the same time file a petition in probate court to have a conservator appointed for the patient's estate. He can do this according to Article X of the Illinois Probate Act.

This will mean that all of the patient's assets...including checking and savings accounts...can be tied up until a hearing is held on the conservator petition; the date for that hearing can be set far enough in advance to insure that the patient will be unable to use his assets to pay for his own legal and medical help.

The only way to circumvent this financial trap is for the patient to get someone to act as conservator-to-collect under Section 113a of the Probate Act. In this way, the probate court can be made to free enough of the patient's money to effectuate his release.

However, it is difficult to find a conservator-to-collect. The patient must find someone who is willing to file a petition with the Probate Court, post a bond for twice the amount the patient wishes to withdraw and finally, convince a probate judge at a hearing that there is sufficient urgency for the release of the funds.

All of this will probably have to be done by a lawyer, who realizes that if the patient is subsequently found to be incompetent, all prior contracts...including the contract for the services of a lawyer....may be declared void under Section 126 of the Probate Act.

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Rather than running the risk of not getting paid and taking a case in an unfamiliar area of the law, most private attorneys will not get involved either in the efforts to free assets of mental patients or to represent them at commitment hearings.

As a result, the overwhelming majority of patients who are involuntarily admitted to state mental facilities wind up being represented by public defender lawyers.

THE HEARING: A SELF-FULFILLING PROPHECY

"PUBLIC DEFENDERS....SELDOM SEE THEIR 'CLIENTS' PRIOR TO THEIR HEARING DATES. CONSEQUENTLY, THEIR APPEARANCES....PROVIDE LITTLE MORE THAN THE ILLUSION OF REPRESENTATION. SOMEONE WHO HAS BEEN HEAVILY DRUGGED, EXPOSED TO THE SIGHTS OF A MENTAL HOSPITAL'S WARD AND UNREPRESENTED BY COUNSEL....HAS LITTLE CHANCE....TO CONVINCE A COURT HE DOES NOT NEED MENTAL TREATMENT."

The commitment hearing required by Illinois before the sixth day of one's hospital stay becomes anti-climactic in light of the traumatic experience one is put through in the pre-hearing days.

There is little chance that someone who has been heavily drugged, exposed to the sights of a mental hospital's ward and unrepresented by counsel up to the time of hearing will be able to convince the court that he does not need mental treatment. To this extent, the pre-hearing process makes a judicial finding for commitment a self-fulfilling prophecy.

Usually, the only expert witness to appear at the hearing is the same state psychiatrist who interviewed the patient during the pre-hearing period. He will reveal to the court information he obtained in the pre-hearing interviews with the patient and will give his diagnosis. Almost all patients are diagnosed as "paranoid-schizophrenic types."

The patient is either unaware that he should have his own expert witness in court to counter the testimony of the state's expert, or he is unable to afford one. It is very difficult to get a private psychiatrist to give up a morning or afternoon of his time to testify at a commitment hearing, particularly when the prospect of getting paid is risky.

The public defenders who represent patients at commitment hearings seldom even see their "clients" prior to their hearing dates. They have too many cases to give much personal attention to any one case. Consequently, their appearances at the hearings provide little more than the illusion of representation.

The judge or jury, if a jury is requested, is required to find that a patient is suffering from a mental disorder and is either dangerous or unable to care for himself. These findings do not have to be made on evidence which is "beyond a reasonable doubt," the standard of proof used in a criminal case. Instead, Illinois appellate courts repeatedly have held that a lesser standard..."clear and convincing evidence"...is acceptable in civil commitment cases.

An assistant state's attorney usually presents the case in favor of commitment. In Friedman's case, family members were permitted to provide their own lawyer to assist the state's attorney in presenting evidence. The family's lawyer, Branko Steiner, took a very active part in the hearing and even made an impassioned closing argument on behalf of the state. He subsequently was permitted by a probate court to collect his fee out of Friedman's own money.

One other factor was at work assuring Friedman's commitment: the judge's willingness to strain the definition of "dangerous." Judge Lawrence I. Genesen surmised that if Friedman were discharged, he would return to the Chicago streets with his large sum of money and eventually get beaten and robbed. Therefore, according to Genesen's logic, Friedman presented as much a danger to himself as if he had been threatening to commit suicide. Genesen did explain how a thief would know Friedman, a poor dresser, was carrying the money.

It is this casualness of trial judges toward the statutory standards for commitment which has resulted in a high percentage of reversals at the appeals level. However, the trouble with relying on appellate courts to correct overly-paternalistic judges is that only a tiny fraction of cases which should be appealed actually get appealed. Even in those cases which do get appealed, it is not unusual for appellate courts to take more than a year after the commitment to render an opinion.

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POST-HEARING "TREATMENT"

"THE PATIENT IS RETURNED TO THE WARD WHERE HE WAS KEPT PRIOR TO THE HEARING AND GIVEN THE SAME 'TREATMENT,' MEDICATION AND PSYCHIATRIST. THE COMMITMENT ORDER IS FOR AN INDEFINITE PERIOD. THE COURTS STEP OUT OF THE PICTURE AND THE PATIENTS....CAN BE KEPT OR RELEASED AT THE WHIM OF HOSPITAL ADMINISTRATORS. FROM FACILITIES SUCH AS THOSE IN ELGIN AND MANTENO, THERE IS LITTLE HOPE FOR RETURN."

Following the commitment order by a judge, the patient is returned to the same ward where he was kept prior to the hearing and given the same "treatment," including the same medication and the same psychiatrist.

Some private doctors believe it is unethical for a psychiatrist to testify against an individual at a commitment hearing and then continue to treat him after his commitment. Such testimony destroys the rapport with the patient, they argue; and the psychiatrist unconsciously treats a patient in a way which reinforces his prior testimony.

Nevertheless, while the practice may be unethical, it is not yet illegal. Friedman was returned to Dr. Escalona for treatment immediately following the commitment hearing on February 13, 1975.

The commitment order is normally, as it was in Friedman's case, for an indeterminate period of time, unlike in a criminal proceeding where a judge pronounces a definite sentence. Furthermore, there is no means for continued court supervision in civil commitment cases, as there is for probation or parole in the criminal arena.

Once commitment is ordered, the courts step out of the picture and patients are left in the jurisdiction of the Department of Mental Health. They can be kept or released at the whim of hospital administrators.

An institution like Chicago-Read is a short term hospital where the average stay is 20 days. Patients who are not discharged after that time are usually sent to long-term facilities such as those in Elgin and Manteno, Illinois. From there, there is little hope for return.

COSTS ASSESSED

"EACH PAYS ACCORDING TO THE SAME SCALE, WHETHER HE WANTS TO BE A PATIENT OR NOT! MANY.... FIND THEMSELVES....WITHOUT JOBS AND WITH LESS MONEY THAN WHEN THEY ENTERED THE HOSPITAL."

The final insult imposed on an involuntarily-committed patient is that he or his family must pay for the treatment rendered against his will at the hospital. The Department of Mental Health applies a sliding scale based upon ability to pay, with a maximum rate of $798 a month. The Department of Mental Health makes no distinction between the voluntary and involuntary patient. Each pays according to the same scale...whether he wants to be a patient or not!

This represents still another discrepancy between the rights of mental patients and the rights of convicted criminals. If a prison inmate requires medical or psychiatric treatment, he is not billed for it; but despite the efforts of attorneys to equalize this treatment for mental patients, the law still requires patients to pay.

Most patients don't know it at the time of admission, but when they sign consent cards authorizing the Department of Mental Health to retain their monies in a hospital trust fund, they are also authorizing the Department to use those monies to pay for their hospital bills upon their discharge. Many patients find themselves returned to the streets without jobs and with less money than they had when they entered the hospital.

SLIM HOPE FOR REFORM

Prior to taking on the Friedman case, I had unthinkingly accepted the belief that there was a definite need for mental commitments and that psychiatrists could be relied upon to determine who should be commited. But as I became more exposed to the mental health treadmill, I came to doubt that opinion.

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"REASONABLE AND GOOD INTENTIONS" (from page 12)

Then, last fall, I heard two men speak here in Chicago, expressing views that would have shocked me before the Friedman case.

Dr. Jay Ziskin, a California State University psychologist-attorney, explained and documented with research statistics that psychiatrists and psychologists are wrong more often than right in their predictions of behavior....adding their courtroom testimony should be regarded no more seriously than that of astrologers.

Dr. Nelson A. Borelli of Northwestern University's medical school told a large audience in the law school auditorium involuntary commitments should be eliminated completely.

These men are respected in their professions and are quiet and non-political in their attitudes. After watching what happened during the Friedman case, their views are not at all shocking.

I believe we should move toward fewer commitments, if not eliminating them entirely.

However, it appears that the only changes to be made in Illinois' mental health law will have just the opposite effect. Several commissions presently are working on revisions of the Mental Health Code and these commissions are over-staffed with commitment-oriented persons, particularly circuit court judges who regularly work in commitment courts.

"HE HAD HIS OWN LITTLE GAME PLAN WORKED OUT, AND HE WAS HAPPY WITHIN IT. ALL HE NEEDED TO MAKE IT WORK WAS TO BE LEFT ALONE."

JOEL KLEIN
MENTAL HEALTH LAW PROJECT

Judge Genesen, for example, last year recommended to the Governor's Commission to Revise the Mental Health Code, that policemen be given the power to transport prospective patients directly to intake facilities of state mental hospitals when they have "probable cause to believe that a person is in need of mental treatment..." Judge Genesen is the judge who ordered Friedman to be committed.

Unless the present revision commissions are counteracted by other interest groups, I fear these efforts will only produce laws that will result in more unfortunate commitments like Robert Friedman's.

As for Mr. Friedman, he was discharged from Chicago-Read seven months after his commitment in February, 1975. He lived for another seven months in a nursing home on Belmont Avenue, although I doubt he ever knew where he was during that time.

His brother Martin was appointed conservator for his estate in June, 1975. At the time of Robert's death on April 6th of this year, he had about $18,000 left in his estate. Most of that money will be used to pay doctor and hospital bills, including the $5,000 bill submitted by Chicago-Read for his stay there.

It is expected that about $3,000 ultimately will be left to be divided among his four heirs...three brothers and a sister.

Several doctors who examined him during his confinement said Friedman had been suffering from an organic brain disease known as presenile dementia, although they were unable to find any scientific proof for that diagnosis. Other doctors said he was merely experiencing a severe functional disorder, which could have been corrected with proper treatment.

What was paranoid-schizophrenia, a mental disorder, to the psychiatrist Dr. Escalona was an organic brain disease or functional disorder to the medical doctors. Was Robert Friedman physically ill....or was he mentally disturbed?

The only way this conflict eventually could have been resolved was with an autopsy of his brain. That was requested in federal court on the day of Friedman's death, but Judge Thomas McMillan acquiesced to the family's request that no autopsy be made.

Regardless of whose diagnosis was correct, I am convinced that Robert Friedman's life was only made worse by his commitment.

As attorney Joel Klein of the Mental Health Law Project said, "He had his own little game plan worked out, and he was happy within it. All he needed to make it work was to be left alone."

THE INDIVIDUAL IS NOT A VICTIM (from page 8)

If we insist upon freedom of speech we must oppose economic proposals for regulating the income of people who speak out. If exercising freedom of speech costs you your job, do you really have economic freedom? In a socialist society, where the government or one of its agencies would control newsprint, audio and visual communications, as well as book printing presses, how would an unpopular minority be able to get its views aired?

Either people have the right to own and utilize the factors of production in a way that they see fit so long as they do not materially harm anyone else, or they don't have the right. Platitudes about the majority's respect for the minority's rights are not convincing (the black's civil rights marches in Mississippi are absolute proof).

The right to own and control property which is the right to make contracts and trade freely, are basic human rights which cannot be separated from rights such as freedom of speech. Historically, most opponents of civil liberties have been conservative, powerful and generally wealthy. The aspirations of the lower class individuals for social reform and economic advancement, and the support of their goals by intellectuals has led to a dichotomization between "property rights" and "human rights." One of the best ways to irradicate the hold that the conservative, powerful and often wealthy people have had over civil liberties is to negate their ability to "buy" favorable legislation. To do this all that needs to happen is to negate their ability to earn excessive income, a phenomenon almost totally attributable to special franchises and favors which they induce from government.

Practical experience indicates that the right to produce and enjoy the fruits of one's own labor is a central part of any system of civil liberties. Voluntary exchange of goods and services is "victimless" and should not be considered criminal or anti-social, at least no more than sex is between consenting adults. Profits are merely the natural result of trade among consenting adults. There are no such things as "obscene" profits in such a context, unless those profits are the result of coercive force given to the profiteers--a coercive force which can only be mandated by government.

DEALERS IN DEATH: THE REAL OUTLAWS (from page 6)

Recognizing the impracticality of the existing legislation, some commentators have suggested that greater leniency toward heroin users be combined with harsher penalties on "pushers" of heroin. Actually, however, the economics of addiction reveals this "liberal" approach to be even more shortsighted than the conservative policy. The imposition of larger penalties upon suppliers of heroin would merely escalate the black market price of the drug, which reflects the risks of detection and legal prosecution--thereby leading to higher rates of robbery and other crime committed by addicts, without appreciably reducing addiction rates. Such reforms would merely magnify the worst effects of existing laws, effects which can be eliminated only by the repeal of all legislation against heroin.

Repeal of the heroin prohibition would also help to end the strangleholds which organized criminal structures such as the Mafia exercise over many cities. Organized crime, which first acquired significant power in the United States during Prohibition years, has always depended on noninvasive black market activities for most of its revenue. (Today, profits from such activities constitute over 95 per cent of the total revenue of organized crime.) From one point of view, the Mafia can actually be regarded as a government monopoly, capable of extorting monopolistic prices because its competitors are driven from the market by governmental prohibitions, and immune from legal prosecution itself because of police bribes and a more extensive network of connections. Government-created black markets form the revenue base which enables organized crime to extend its operations into truly criminal areas of aggression against persons and property. Legalization of heroin would cut much of this base, thus reducing violent crime rates and also ending the involvement of addicts with the underworld.

In addition, repeal of heroin laws would remove the opportunities for bribery and corruption which are now frequently exploited by narcotics agents and law enforcement officers. General respect for the law would increase among citizens as police officials directed their efforts toward protecting the rights of citizens rather than meddling in their private lives. Relieved of the unnecessary burden of prosecuting "crimes without victims," courts now faced with an enormous backlog could devote more time dealing with genuine crimes of aggression. And taxpayers would be relieved of the enormous costs (often as high as $62,000 a year per convict) of incarcerating offenders against these superfluous laws.

(to be continued)

(Originally printed in the July 1976 issue of "Freedom's Voice," the monthly newsletter of the Delaware LP. - Ed.)

Clubs Prepare for State Campaign

The local clubs of the Libertarian Party of Illinois have entered into the second phase of the state campaign--publicizing the candidacies of Roger MacBride, Dave Bergland and the state slate, led by Joe McCaffrey and Georgia Shields. Clubs all across the state will be holding "coffees," get to-gethers for the candidates and local voters. Press conferences must be arranged and community organizations contacted for speaking engagements for MacBride, Bergland, McCaffrey and the rest of the state slate. All libertarians are sure to have something they can contribute to this vital campaign effort. Please contact your local LP club. Your talents and time are needed if we are to make 1976 the year people stand up and notice the ideas of the Libertarian Party.

The newest local organization is the Springfield club, which had, up to this time, been part of the central Illinois club. The organizer in the Springfield area is Gary Burpo (address below); members and interested persons in the Springfield area, give Gary a call and make his job easier.

Contact your local Libertarian club and lend a hand:

CHICAGO

North-----Joe or Bernadette McCaffrey, 528-9083, or Milton Mueller, 337-6700, ext. 804.

Northwest-George Muha, 431-2481 days; or Glenn Olofson, 625-2328 evenings. Also Marybeth Kinney, 736-9734 days; Will Kinney, 774-4105 evenings.

South-----David & Elaine Theroux, 955-2442; Joe Cobb, 288-2270 evenings; or Jeff Smith, 947-8121.

SUBURBAN

DuPage----Don Parrish, 852-2844 evenings.

Kane------Rich Suter, 736-9734 or 736-9572, until a new local club organizer is found.

Lake------Jorie Julian, 295-1660 days; 234-1825 evenings.

McHenry---Robert and Carolyn Randall, 815/459-4929.

N. Shore--David Diamond, 372-0336 days, 835-1699 evenings.

South-----Jeff Smith, 947-8121 or 362-8655.

West------J. D. Webster, 366-5779.

DOWNSTATE

Carbond'l-Ed Zeman, 512 S. Hays St., Carbondale 62901.

Champaign-Ed Monger, 309/453-0577.

DeKalb----Marc Swanson, 815/758-4073.

Kankakee--Jeff Dehn, 312/726-6851 day, 815/932-2471 evenings.

Moline----Richard Wetzel, 309/764-7049.

Normal----Ed Monger, 309/453-0577.

Peoria----Ed Monger, 309/453-0577.

Rockford--Dr. James Dunkel, 815/877-6321.

Springf'd-Gary Burpo, (2528 Manchester Drive, 62704) 217/544-7386 days, 217/787-1451 evenings.

NEWS AND NOTES

Ray Birks, a Libertarian since April 1976, is asking all Libertarians to support non-unionized theatre in the Chicago area by attending a non-union theatre production. He is playing the lead role of "Curly" in the musical OKLAHOMA, and Ray devotes an entire song to the marvels of the state whose ballot status is in doubt.

Ray has agreed that for every Libertarian Party member (national, state or local), who comes up to him backstage after the show and mentions that he/she is an LP member, he will contribute the amount of that person's ticket to the LPI. Let's milk Ray dry and go in droves!

Ray is performing on July 30, August 1, 4, 5, and 7 (Fri., Sun., Wed., Thu., Sat.) at the Summer Place Theatre in Naperville, Illinois (Ellsworth and Chicago Avenues).

The next NOTA meeting will be held at the home of Dale Nelson (260 Westmoreland, Vernon Hills) at 8 p.m., Thursday, August 5th. For directions or information call Dale (362-7965) or Bonnie Kaplan (935-0412).

Barry Riccio will be the speaker at the next NOTA SPEAKER'S PROGRAM on Sunday, August 8th, at 2:30 p.m. His topic will be "Revisionism, Isolationism, and Libertarianism--20th Century American Foreign Policy," explaining the shift of the political right from their traditional stand as islolationists to their current "war hawk" position. The talk will be held at The Christ Church of Chicago, 701 W. Buckingham, Chicago.

On August 14th, NOTA will sponsor the Second Annual Ravinia Picnic; the concert will feature an all Beethoven program. Call Bonnie (935-0412) for more details.

The July SCC meeting was held at the home of LP gubernatorial candidate Joe McCaffrey. Dr. Jim Dunkel of Rockford, candidate for downstate vice-chairperson, received the unanimous endorsement of the group and was appointed to that office.

The state campaign is nearly ready to begin publicity, and the contributions are still coming in. The Ballot Committee reports a healthy balance. There are plans to use a chartered plane (at a good rate) to send our state candidates to the 13 media centers across Illinois, and each local club is asked to arrange "coffees" for the candidates and citizens in their areas.

The national campaign will have Roger MacBride back in Illinois in September to tour the 13 media centers. His last Central Illinois tour was very well received.

New business included a resolution passed stating, "Names from the petitions will not be used for mailing lists unless the individual so requests." The North Shore and Northwest Chicago Libertarian Clubs were officially affiliated. The next meeting of the SCC is slated for August 8th at 2 p.m. As always, the meeting is open to the public.

No, this is not an essay to confirm your worst beliefs that the media is conspiring against us. Instead, it's a report on a study prepared by John Carey of the University of Pennsylvania's Annenberg School of Communications. The report begins, "If readers and viewers who follow media coverage of political candidates have a nagging sense that somehow, meaningful discussion gets lost in the process, they're not far from wrong."

The report highlights national media coverage during the four weeks preceeding the 1974 Congressional elections, and condemns the networks for treating the campaign like "a professional football contest." The report noted that media unanimously seems to assign the highest news value to assessments of campaign progress and secondly to the analysis of campaign strategies. Major issues ranked poorly. Inflation ranked fourteenth among campaign coverage topics; candidates views on foreign affairs were reported so infrequently they didn't even make the list.

To the horror of we Libertarians, Mr. Carey's report says "third party candidates were likely to be identified as not serious contenders."

On a quantitative analysis, Mr. Carey found that campaign strategies received more than three times the press attention received by political philosophy. The media, in effect, says Carey, emphasizes that "it's a game, and the good players make good political officials."

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