

State Platform of the Libertarian Party of Texas

Adopted in Convention at San Antonio, June 12, 1994

PREAMBLE

As Libertarians, we seek a world of liberty; a world in which all individuals are sovereign over their own lives, and no one is forced to sacrifice his or her values for the benefit of others.

We believe that respect for individual rights is the essential precondition for a free and prosperous world, that force and fraud must be banished from human relationships, and that only through freedom can peace and prosperity be realized. Consequently, we defend each person's right to engage in any activity that is peaceful and honest, and welcome the diversity that freedom brings.

The world we seek is one where individuals are free to follow their own dreams in their own ways, without interference from government or any authoritarian power.

The following pages set forth our basic principles and some of the policies derived from them. Our goal, however, is nothing more nor less than a world set free in our lifetime, and it is to this end that we take these stands.

STATEMENT OF PRINCIPLES

We, the members of the Libertarian Party, defend the rights of the individual, and challenge the myth that the state should be omnipotent.

We hold that all individuals have the right to exercise sole dominion over their own lives, and to live in whatever manner they choose, as long as they do not forcibly interfere with the equal rights of others. Governments throughout history have regularly operated on the opposite principle, that the State has the right to dispose of the lives of individuals and the fruits of their labor.

We, on the contrary, deny the right of any government to do these things. Where governments exist, they must not violate the rights of any individual: namely, (1) the right to life - accordingly we support prohibition of the initiation of physical force against others; (2) the right to liberty of speech and action - accordingly we oppose all attempts by government to abridge the freedom of speech and press, as well as government censorship in any form; and (3) the right to property - accordingly we oppose all government interference with private property, such as confiscation, nationalization, and eminent domain, and support the prohibition of robbery, trespass, fraud, and misrepresentation.

Since governments, when instituted, must not violate individual rights, we oppose all interference by government in the areas of voluntary and contractual relations among individuals. People should not be forced to sacrifice their lives and property for the benefit of others. They should be left free by government to deal with one another as free traders; and the resultant economic system, the only one compatible with the protection of individual rights, is the free market.

PERSONAL FREEDOM AND CIVIL LIBERTIES

No conflict exists between civil order and individual rights. Both concepts are based on the same fundamental principle: that no individual, group, or government may initiate force against any other individual, group, or government.

Members of the Libertarian Party do not necessarily advocate the practices our policies would legalize. We all agree on the goal of maximizing individual freedom, but beyond that, we have different ideas about how people should act. Libertarianism is a political viewpoint, not a system of morality. Libertarian policies will create a society where people can follow their own, sometimes differing, ideas of what is right, as long as they allow others to do the same.

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1. CRIME AND THE JUSTICE SYSTEM

The continuing high level of violent crime threatens the lives, happiness, and belongings of Americans. At the same time, governmental violations of rights undermine the people's sense of justice. The appropriate way to suppress crime is through consistent and impartial enforcement of laws that protect individual rights.

Crime and Justice Index

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a. Restitution

The present system of criminal justice is based on punishment by the government, instead of restitution to the victim. It does not provide justice for the victims, and it fails even to deter those criminals who have already been caught and punished.

We would require each individual wrongdoer to make full restitution to his or her victims, whenever possible. This will provide real justice for those who have been wronged, and will establish in the criminal's mind the connection between the crime and the damage done to the victim.

Government payments to victims which are financed by taxpayers, or (as in Texas now) by fines on all offenders, are not restitution, but only a kind of welfare.

Similarly, in civil cases we oppose arbitrary limits on liability, and no-fault insurance laws, which deprive the victim of the right to recover damages in civil suits against those responsible for injuries.

b. Rights of the Victim

We support institutional changes, consistent with full respect for the rights of the accused, that would permit victims to participate in the prosecution in criminal cases. We also support the right of the victim to pardon the criminal or wrongdoer.

c. Defense and Retaliation

The only legitimate use of force and the threat of force is to protect individual rights - life, liberty, and justly acquired property - from aggressors. People may employ defensive force to thwart an act of aggression while it is in progress, and retaliatory force to rectify a completed act of aggression by securing just compensation from the aggressor. We oppose all government restrictions upon the use of defensive and retaliatory force, including deadly force.

d. Consensual Crimes

Consensual crimes are those actions which the state has made illegal but which do not involve the initiation of force or fraud. Because only actions which infringe the rights of others can properly be termed crimes, we favor the repeal of all laws creating consensual crimes. These include, among others,

- i. laws prohibiting or regulating the production, sale, possession, or consumption of food or drugs;
- ii. laws regarding adult consensual sexual relations;
- iii. laws regulating the possession, sale, use, production, or distribution of sexually explicit material (involving only adults);
- iv. laws regulating or prohibiting gambling; and
- v. laws interfering with the right to commit suicide, or to assist others to do so.

Pending legislative action, all of those presently incarcerated or ever convicted solely for the commission of these crimes should be pardoned and released.

e. Police Harassment

We strongly support the police function of protecting individual rights; however, the police have no right to harass or abuse the citizenry. We support an immediate halt to police harassment of anyone,

including among others racial and religious minorities, gays, prostitutes, non-conformists, and young people. Harassment includes not only beatings, but also I.D. checks, urine tests, and stop-and-frisk actions where no reasonable cause for suspicion exists. We call for the immediate repeal of all vagrancy, loitering, and so-called suspicious person and curfew laws, because such laws merely provide a pretext for harassment.

We further call for laws to prohibit the practice of entrapment. We call for all government employees and elected representatives to be required to comply with the same laws that apply to private citizens.

f. Safeguards for the Criminally Accused

Until such time as persons are proved guilty of crimes, they should be accorded full respect for their individual rights. We are thus opposed to reductions of present safeguards of the rights of the criminally accused. We specifically oppose preventive detention, so-called no-knock laws and pre-trial seizure of a defendant's assets.

We support full restitution for all loss suffered by persons arrested, indicted, tried, imprisoned, or otherwise injured in the course of criminal proceedings against them which do not result in their conviction. When they are responsible, government police employees or agents should be liable for this restitution.

g. Judicial Abuses

Violation of the rights of innocent persons cannot further the cause of justice. Therefore, we call for the elimination of coercion from the trial process, including forced jury service, forced testimony, forced appearances, or forced production of evidence.

We oppose the judicial practice of imprisoning individuals for contempt of court without a trial and other due process of law.

We support the established right of juries to judge the law as well as the facts. We further call for a law requiring judges to notify jurors of their right and responsibility to judge the law and its application to the case at hand.

We oppose governmental grants of immunity from prosecution to compel or acquire testimony.

We oppose the use of federal civil rights statutes and the legal concept of separate sovereigns being used to circumvent the protection against double jeopardy by punishing an individual for the equivalent federal violation after having been punished by the state or vice versa. The accused can only be tried by the state or the federal government - not by both for the same act under any circumstances.

We oppose all conspiracy laws. The laws should only punish actual or attempted acts, not association with potential criminals.

h. Prisons

We oppose any new tax-financed prison construction in Texas. Granting pardons to persons convicted solely of victimless crimes should free more than enough space in existing facilities.

i. Forfeiture

Asset forfeiture, prior to criminal conviction or civil judgement, is a disgrace to the American legal tradition. It violates the United States and Texas Constitutions, and common-sense ideas of fair play. This vicious practice must be abolished, depriving the law- enforcement agencies of their arbitrary

power and placing them again under the rule of law.

2. REPRODUCTIVE RIGHTS

The American people are not a collective national resource to be bred or culled according to the choices of government master planners. Accordingly, we oppose any laws or other government actions to compel, prohibit, encourage or discourage abortion, sterilization, or birth control. We oppose any laws either requiring or prohibiting school classes on sex education or birth control, since such decisions should be made by the parents.

We support an end to all subsidies for child-bearing built into our present laws, including all welfare plans and the provision of tax-supported services for children. We call for the elimination of special tax burdens on single people and couples with few or no children.

3. RIGHTS OF CHILDREN

Children are human beings and have all the rights of human beings.

We recognize that children who have not reached maturity need guardians to secure their rights and to aid in the exercise of those rights. We hold that guardianship normally belongs to the parents, and never to the state.

Whenever parents or other guardians are unable or unwilling to care for their children, those guardians have the right to seek other persons who are willing to assume guardianship - and children have the right to seek other guardians who place a higher value on their lives. Accordingly, we oppose all laws which impede these processes, notably those restricting private adoption services. Guardianship status should not be arbitrarily denied or abridged by the courts on the basis of the parent's sex, race, religion, political beliefs, sexual preference, or financial, social, marital, or other status. At the time of divorce, both parents should be accorded equal rights and responsibilities of guardianship, unless there is specific evidence that this would violate the rights of the child.

We oppose all laws which empower government officials to seize children and make them wards of the state. We oppose all legally created discrimination against (or in favor of) children just as we oppose government discrimination directed at any other human beings.

Permission given voluntarily for a medical procedure by a juvenile patient should be considered valid, with involvement by the parent required only if the juvenile requests it. Juveniles should not be required to have permission from their parents or guardians to obtain medical care at their own expense.

We also support the repeal of all laws establishing categories of crimes applicable to children for which adults would not be similarly answerable, such as curfew, truancy, child labor, smoking, and alcoholic beverage laws, and other status offenses. We call for an end to the practice of jailing children not accused of any crime. We further favor the abolition of the juvenile court system, so that juveniles will be held fully responsible for their crimes, and will be accorded the same due process rights as adults.

Children should always have the right to establish their maturity by assuming the administration and protection of their own rights, ending dependency upon their parents or other guardians and assuming all the responsibilities of adulthood.

4. RIGHTS OF THE ELDERLY

The process of aging does not deprive any individual of his or her rights. We oppose the violation of

the rights of older people, including forced commitment to nursing homes, forced submission to medication or treatment, and seizure or control of property or prerogatives. We oppose any laws either requiring or prohibiting forced retirement of private employees at any age.

5. GOVERNMENT AND MENTAL HEALTH

We oppose the involuntary commitment of any person to a mental institution. To incarcerate an individual not convicted of any crime, but merely asserted to be mentally ill, is a violation of the individual's rights. We further advocate:

- a. the repeal of all laws permitting involuntary psychiatric treatment of any person, including children, and those incarcerated in prisons or mental institutions;
- b. an immediate end to the spending of tax money for any program of psychiatric or psychological research or treatment;
- c. an end to all involuntary treatments of any person by such means as psycho-surgery, drug therapy, and aversion therapy; and
- d. an end to tax supported mental health propaganda campaigns and community mental health centers and programs.

6. PRIVACY

The individual's privacy, property, and right to speak or not to speak should not be infringed by the government. The government should not use electronic or other means of covert surveillance of an individual's actions or private property without the consent of the owner or occupant. Any government compilations of data on an individual should be conducted only with the consent of the persons from whom the data are sought. We support legislation to require that every government agency:

- a. make public the nature, but not the contents, of files it maintains on U.S. citizens;
- b. notify individuals of files pertaining to them;
- c. provide the citizen a copy of his or her file on request;
- d. allow individuals to add comments to their files; and
- e. notify the citizen whenever information from his or her file is provided to another person, group, or government agency.

Government should not violate private contractual guarantees of confidentiality regarding correspondence, bank and other financial transactions and records, doctors' and lawyers' communications, employment records, and the like. We denounce the government's efforts to limit the use of encryption technology (secret encoding) by the private sector by imposing a standard for encryption hardware or software.

7. UNIVERSAL IDENTIFICATION

We oppose creation of any government-administered identification system including issuance of Universal Identification numbers, internal passports, work permits, or identity cards to individuals, or any other means of monitoring the activities of individuals, including the requirement to produce proof of citizenship to obtain employment. We oppose the use of the Social Security number as an identification number.

8. PLAIN LANGUAGE

We call for all laws, regulations, and ordinances to be written in plain language that could be

understood by any person of average intelligence and education.

9. ANNEXATION

We support legislation to prohibit any local government or special district from annexing any new areas without the unanimous consent of all residents and property owners in the area to be annexed.

10. ELECTIONS

- a. We support legislation to include None of the Above as an option on the ballot for all elective offices. Should None of the Above win a plurality of votes for any office, none of the candidates on the ballot for that office would be eligible to serve for the duration of the term for which the election is being held. Either the office can stand vacant, or another election may be held, in which none of the previous candidates is allowed to run.
- b. We call for the amendment of the Texas Constitution to allow an appropriate number of voters, upon petition, to have placed upon the ballot in the following general election binding initiatives and referenda, pertaining either to legislative or Constitutional provisions, which would become effective upon voter approval.
- c. We call for the strengthening of the right of citizens to recall all elected officials.
- d. We call for the repeal of those provisions of the Texas Election Code which make attainment of ballot status unreasonably difficult for new parties and independent candidates. We call for full and open counting of all write-in votes. We call for harsher penalties for election fraud and genuine efforts to uncover and prosecute such fraud. We call for a return to the traditional state control of elections including federal elections.
- e. We call for an end to the practice of tax-supported funding of primary elections. Parties should have to pay for the costs of their own nominating processes instead of forcing that burden upon unwilling taxpayers.
- f. We call for an end to gerrymandering.

11. TEXAS INDEPENDENCE

Because of federal violation of the rights of Texans, the subjection of Texans to rules foreign to their condition and their interests, and the unquestioned right of the people of Texas to self-determination, we call for the legislature of Texas to place the issue of the independence of the Republic of Texas before the people in the form of a binding referendum.

12. IMMIGRATION

[We hold that human rights should not be denied or abridged on the basis of nationality. We condemn massive roundups of Hispanic-Americans and others by government in its hunt for individuals not possessing required government documents. We strongly oppose all measures that punish employers who hire undocumented workers. Such measures repress enterprise, harass workers, and systematically discourage employers from hiring Hispanics.

Undocumented non-citizens should not be denied the fundamental freedom to labor and to move about unmolested. Furthermore, immigration must not be restricted for reasons of race, religious or political creed, age, or sexual preference. We therefore call for the elimination of all restrictions on immigration, the abolition of the Immigration and Naturalization Service and the Border Patrol, and a declaration of

full amnesty for all people who have entered the country illegally.

We oppose government welfare payments to non-citizens just as we oppose government welfare payments to other persons. Because we support the right of workers to cross borders without harassment, we oppose all government-mandated temporary worker plans. Specifically, we condemn attempts to revive the Bracero Program as government imposition of second-class status on Mexican-born workers. We welcome all refugees to our shores and condemn the efforts of U.S. officials to create a new Berlin Wall that would keep them captive. We condemn the U.S. government's policy of barring these refugees from our shores and preventing Americans from assisting their passage to help them escape tyranny or improve their economic prospects.

13. GUNS

To secure the right of self-defense, against the government as well as individual criminals, we believe in the right to keep and bear arms. We oppose all laws restricting or recording the ownership, manufacture, transfer, or sale of firearms or ammunition. We favor the repeal of all laws banning the concealment or carrying of weapons or prohibiting pocket weapons.

14. SOVEREIGN IMMUNITY

We disavow the doctrine of sovereign immunity, which holds that governments may not be sued without their permission, nor held accountable for their actions. Indeed, government officials and agents owe restitution to all of their victims for every act of aggression. Such restitution, however, must never be financed through taxation nor through any other means that violates rights. The only proper potential sources for such restitution are either existing government assets unclaimed by a just private owner, or the personal assets of current and previous government agents.

ECONOMIC LIBERTY AND A FREE MARKET

Because each person has the right to offer goods and services to others on the free market, we oppose all intervention by government into the area of economics.

We believe that the consumer is best served by a free market open to all entrants. We oppose efforts to forcibly redistribute wealth or forcibly manage trade. Government manipulation of the economy creates an entrenched privileged class: those who control the flow of tax money. The welfare state, supposedly designed to aid the poor, is in reality a growing burden on all people, and injures, rather than benefits, the poor themselves.

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- 2. EDUCATION
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- 4. OCCUPATIONAL LICENSING
- 5. ENVIRONMENT
- 6. UTILITIES AND MONOPOLIES
- 7. TEXAS RAILROAD COMMISSION
- 8. ZONING
- 9. POLITICIANS' SALARIES

1. TAXATION

We believe that all persons are entitled to keep the fruits of their labor. We therefore oppose taxation, which is the forcible seizure of money or property to support government, as a clear violation of individual rights and morally equivalent to robbery or extortion. We proclaim our opposition to taxation in any form and our desire to see its speedy end. Any government actions which the public will support voluntarily do not need to be financed by taxes, and any governmental actions which the public will not support voluntarily should not be performed at all.

1. TAXATION Index

- a. Funding the Courts
- b. User Fees
- c. No Higher Taxes
- d. Constitutional Limits
- e. Interim Measures
- f. Sales Tax
- g. Tax-supported Bonds

a. Funding the Courts

To the greatest extent possible, the criminal justice system should be paid for by judgments and fines against the offenders who make it necessary. The remaining costs should be paid for by voluntary user fees for services rendered and by voluntary contributions.

b. User Fees

We applaud the growing movement to require user fees for government services instead of financing them wholly from general tax revenues. Such fees should reflect the full cost of the service so that this will be borne by the users. However, we hold that user fees for a service which the government provides while prohibiting competition are in effect taxes themselves, and we condemn all such monopolies.

c. No Higher Taxes

We are absolutely opposed to new or increased taxes of any kind and for any purpose, because any higher taxes would increase the level of government coercion. We specifically oppose any state or local taxes on either incomes or profits, whether personal or corporate. We oppose the creation of any new special districts with taxing authority.

d. Constitutional Limits

We urge the legislature to vote to ratify the Liberty Amendment to the US Constitution, which calls for repeal of the Federal Income Tax.

e. Interim Measures

As interim measures, we support amending the Texas Constitution to require voter approval in a referendum before any new state or local taxes may be levied or the rates of any existing taxes

increased. We also support a change in the state law so that non-payment of taxes would be only a civil offense rather than a criminal offense as at present. We urge the state of Texas and all local units of government under its jurisdiction to attain fiscal independence by phasing out acceptance of federally controlled funds. We also call for all taxes to be indexed for inflation so that state and local governments will not further benefit at the taxpayer's expense from the inflationary policies of federal politicians.

f. Sales Tax

We call for the repeal of the retail sales tax, which is the most regressive tax upon the poor, and which forces merchants to be tax collectors. We call for all taxing authorities to be required to prove to each cent any claimed sales tax liability rather than basing assessments on notoriously inaccurate random samples.

g. Tax-supported Bonds

We oppose the issuance of tax-supported bonds to further industrial development or commercial enterprises.

2. EDUCATION

The pathetic condition of education in Texas today is largely due to government involvement with, interference in, and control over our schools and colleges. The politicization of education by this coercive bureaucratic monopoly has done enormous damage to the people of Texas and its continuance is a serious threat to their future. Realizing that education is a service which, like others, can best be provided by the non-coercive means of the private sector, we support the privatization of education and the end of all government interference in this area.

1. EDUCATION Index

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- b. Regulation
- c. Tax Credits
- d. Taxes
- e. Textbooks

a. Social Disputes

The bitter disputes over curriculum and teaching methods are the inevitable result of the existence of an effective government monopoly on education. Just as centuries of religious warfare in Europe were ended by privatizing religion and separating church and state, the solution to fights over schools is to privatize education and separate school and state. Decisions about educational issues such as prayer, sex education, evolution, and so on, will no longer cause conflict when supporters of all views have a real choice of schools. We oppose the imposition of any religious views on existing government schools as a violation of the freedom of individual conscience.

b. Regulation

We support the repeal of all existing state and local regulations concerning schools, whether government or private, including home schools. Such regulations involve teacher certification or training, textbook approval, curriculum requirements, student- teacher ratios, and general impediments to all businesses, such as zoning ordinances. We particularly condemn restrictions at all levels designed to preclude entry or restrict competition in the field of day care and pre-school centers.

c. Tax Credits

Lower and middle income Texans are effectively denied freedom of choice in education because they are taxed to support the government schools and cannot afford to pay twice for the same service. Like any coercive monopoly without any real competition, the government schools therefore produce an inferior product at an exorbitant price. As an interim measure to restore choices to parents and students and to encourage development of private alternatives, we support tax credits for tuition and other expenditures related to education, as long as the cost of the tax credits is less than the savings caused by taking children out of the public schools system.

d. Taxes

We oppose the tax support of universities, colleges, and junior colleges, which forces lower income taxpayers to fund the higher education of children of upper income families. All tax support of such institutions should cease, and their assets should be sold with the proceeds being returned to the taxpayers.

We support the repeal of all taxes on the income or property of private schools, whether profit or non-profit. We oppose denial of tax-exempt status to schools because of their private policies on admissions, hiring, or student deportment.

e. Textbooks

We call for the abolition of the Texas State Board of Education Textbook Committee and the end of centralized state purchasing of textbooks. The political and religious demagoguery involved in these enormous purchasing decisions has had a disastrous effect on the quality of textbooks throughout the United States.

3. TRANSPORTATION

Government involvement in transportation has been an intolerable burden to everyone, whether as taxpayers, travellers, shippers, or consumers. It has meant massive violations of individual rights, threats to public safety, disruption of neighborhoods and the environment, barriers to economic opportunity, subsidies to special interests, and immeasurable corruption, waste, and inefficiency. We support the privatization of transportation and the end of all government interference in this area.

4. OCCUPATIONAL LICENSING

We support an immediate end to all government occupational licensing and recognition of the right of each individual to contract freely with any other individual or group to perform any non-coercive services they may mutually agree upon. We call for the abolition of all state and local agencies, boards, bureaus, and commissions which license, regulate, or restrict in any way the practice of any occupation or profession by anyone.

While government occupational licensing still exists, we call for the prohibition of discrimination against any person in the granting or revoking of occupational licenses for reasons of race, creed, sex, age, sexual preference, financial condition, or political beliefs.

5. ENVIRONMENT

We believe that most environmental problems - air and water pollution, land erosion, ground water depletion - are due to the lack of private property rights in the air and water and public ownership of much of the land in the U.S. We call for the development and implementation of such property rights, as far as this can be done practically. Such rights are to be awarded initially on the basis of homesteading; i.e., those who now are benefitting from the use of the property should be the owners until and unless they choose to transfer the property.

For example, we advocate the establishment of an efficient and just system of private water rights, applied to all bodies of water, surface and underground. Such a system should be built upon a doctrine of first claim and use. The allocation of water should be governed by unrestricted competition and unregulated prices. All government restrictions upon private use, voluntary transfer of water rights, or of the water from such rights, must be eliminated. Government water rationing and similar despotic controls only aggravate the waste of water.

We oppose the creation of any new government parks or government operated public recreation areas. We call for immediate sale of all existing government parks and recreation areas with the proceeds to go to the taxpayers. Efforts should be made to secure bids by people or groups who will maintain their current functions, but no such requirement should be made for sale.

We oppose Texas game laws which arbitrarily restrict or prohibit hunting of birds or wildlife on private property with the permission of the owner.

6. UTILITIES AND MONOPOLIES

We advocate the termination of government-created franchise privileges and governmental monopolies for such services as garbage collection, fire protection, electricity, natural gas, cable television, telephone, or water supplies. Furthermore, all rate regulation in these industries should be abolished. The right to offer such services on the market should not be curtailed by law. In order to insure the continued adequate production of utility services we urge abolition of the Texas Public Utility Commission.

We condemn all coercive monopolies. We recognize that government is the source of monopoly, through its grants of legal privilege to special interests in the economy. In order to abolish monopolies, we advocate a strict separation of business and state. "Anti-trust" laws do not prevent monopoly, but foster it by limiting competition. We therefore call for the repeal of all "anti-trust" laws.

We defend the right of individuals to form corporations, cooperatives, and other types of companies based on voluntary association, but laws of incorporation should not include grants of monopoly privilege. In particular, we oppose special limits on the liability of corporations for damages caused in non-contractual transactions. We also oppose state or federal limits on the size of private companies and on the right of companies to merge.

7. TEXAS RAILROAD COMMISSION

We call for the abolition of the Texas Railroad Commission and the termination of all its functions.

8. ZONING

Over fifty years experience with zoning ordinances has clearly indicated the corruption inherently attendant to such laws as well as their harmful social and economic consequences. We point to the city of Houston as an example of the virtue of a non-zoning policy and call for all other Texas cities and towns to undertake a rapid phase-out of all zoning ordinances.

9. POLITICIANS' SALARIES

It is an unconscionable conflict of interest for elected officials to increase their own compensation. We call for a Constitutional amendment prohibiting governing bodies in Texas from raising their own salaries or benefits except by consent of a majority of the voters in an election but allowing them to decrease their compensation at will.

EPILOG

This Platform is intended as an outline for the great, long-term project of bringing Texas government back within its proper bounds. The job is not an easy one, and it will not be finished overnight. But it MUST be done, if Texans are to live in freedom.