

Free NY

WORKING TO ACHIEVE LIBERTY IN OUR LIFETIME



THE OFFICIAL NEWSLETTER OF THE LIBERTARIAN PARTY OF NEW YORK

VOL 3 JUL 2004

THE SUPREME COURT GETS ITS ACT TOGETHER ON PUNISHMENT AND IMPRISONMENT.

In the most recent term, the U.S. Supreme Court decided several cases affecting the freedoms of 100's of thousands of people.

Detention without due process or access to courts.

Notable among the rulings were court's rejection of the Bush Administration's attempt at turning our country into Nazi police state, or some banana republic dictatorship, where the government can just pick up people off the street and make them disappear.

In the wake of the 9/11/01 WTC terrorist attacks, the Bush White House, capitalizing on the public's heightened fears, asserted that it has the presumptive right to hold persons, including American citizens, in prison without charges, without an opportunity to see an attorney, and

without permitting them access to the courts or the media, indefinitely.

This compounded violation of civil rights is enough to make any defense attorney or constitutional professor choke trying to explain what's wrong with this picture.

But to the federal government, executive branch, there's nothing wrong with it; the Administration's position was that, "Well, hey, if we SAY they're bad, that right there is enough evidence to hold them as long as we like - however we like." All that it should take, is President Bush knighting them "enemy combatants".

(According to the Administration this label also entitles the U.S. Govt to ignore its treaty in the Geneva Convention, controlling the treatment of prisoner's of war.)

Cont'd on Page 10

Report on the Unexpected Upset for the LP Nominee for POTUS

The 2004 Libertarian Party National Convention took place over the Memorial Day Weekend at the Atlanta Marriott Marquis Hotel in downtown Atlanta, Georgia, Don Silberger Reports.

The first ballot indicated the real sense of the convention: It totalled 246 votes for Gary Nolan, 256 votes for Michael Badnarik, and 258 votes for Aaron Russo. Of course there were scattered votes for other people, totalling about twenty votes, and I believe about twenty for the LP's perennial and obligatory (non)candidate, NOTA.

All three main candidates performed credibly in the candidate debate at the con-

vention. But most delegates with whom I discussed the matter seemed to agree that Nolan was the poorest of the three, that Russo was next, and that Badnarik clearly outperformed his two competitors. If the debate had been the only determiner of first-ballot vote totals, I believe it would have gone something like 150 for Nolan, 250 for Russo, and 350 for Badnarik. That is, Badnarik would have come close to winning on the first ballot -- if the debate was

NEW YORK LIBERTARIAN PARTY LAUNCHES SIGNATURE PETITION DRIVE

This month, the NYLP will seek 15,000 NYS voters' signatures to qualify its candidates' presence on the election ballot this year.

A signature collection petition form can be found in the centerfold, pages 11-14, of this issue of FreeNY. The NYLP State Committee urges all NYS Libertarians to assist in gathering the required signatures. The collection deadline is August 11, 2004. Signature gathering instructions start at page 11.

the only determiner.

But of course the debate was not the only factor that mattered. There was Russo's charisma and reputation for success, Nolan's name as a media personality and also his aggressive team, whose work projected an impression that Nolan was a "frontrunner". There was Nolan's message of "moderation" and alleged

Cont'd on Page 4



Free NY

Newsletter
of the
New York
Libertarian
Party

Editor:

Gary Treistman
garyonthenet@yahoo.com

Asst Editor

Thomas Ruks
Vice Chair
trukslp@yahoo.com

Pertinent FreeNY NY Libertarian Party Officers:

John Clifton
NYLP Chair
johnclifton@netzero.com

Werner Hetzner
Treasurer
whetzner@mac.com

Blay Tarnoff
Telecommunication Ofc
LPNY@eblay.com

Letters/Comments/
Articles/Notices/
Announcements, or
Advertising Inquiries,
should be sent to:
FreeNY@hvc.rr.com

or to:

Editor
Free NY
POB 563
Bearsville, NY 12409
(845) 679-4790
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CONTENTS:

NEW YORK LIBERTARIAN PARTY LAUNCHES SIGNATURE PETITION DRIVE	1
LETTERS TO THE EDITOR.....	3
OUR PARTY MATTERS	4
LPNY CONVENTION NEWS	4
2004 NY LIBERTARIAN PARTY CONVENTION	5
AN OVERVIEW FROM THE NYLP CHAIR,	6
ANNOUNCEMENTS, NEWS, PAST AND PRESENT:	8
PETITION SIGNATURE GATHERING RULES, METHODS, TIPS AND SUGGESTIONS	11
NYS LIBERTARIANS RUNNING FOR OFFICE THIS YEAR	14
LIBERTARIAN FREEDOM COUNCIL PROVIDES NEW OPPORTUNITIES.....	15
SOME LP MEMBERS SPEAK ON WHY THEY ARE LIBERTARIAN	15
NYLP CHAPTER-BY-CHAPTER ACTIVITIES.....	17
LIBERTARIANISM: POLITICAL PHILOSOPHY	
OR CULT RELIGION?	20
SOME GOOD NEWS TO LEAP ABOUT!	20
<u>RATIONAL RECREATION.....</u>	<u>23</u>

The opinions expressed in this publication do not necessarily reflect the official stance of the NYLP, and are otherwise the authors' responsibility. References made to the "NYLP" and "LPNY" are equivalent and stand for The Libertarian Party of New York.

Would you prefer to receive Free NY in electronic format?

On Dec 4, 2003, the NYLP Committee voted to make all issues of FreeNY available to the public, via the NYLP Website. So if you would prefer to receive it in that form as soon as it is finalized (typically 2 weeks prior to publication), please visit: briefcase.yahoo.com/garyonthenet, or visit ny.lp.org/FreeNY. You may also opt out of receiving the hard copy of FreeNY at a link there or by contacting the Editor.

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LETTERS TO THE EDITOR

GREETINGS FROM WAY UP NORTH

Hello, I am an LP member in upstate NY. I have been a member since 1995. I was the Maine state LP's web site creator, administrator, webmistress and content creator, as well as an activist and volunteer, attended all the state conventions, provided official photography for campaign candidates and so on.

I miss being involved and realized I didn't even know who the LP Prez candidate(s) is/are this year. I see Harry Brown is not running again, wish he was--I've voted for him every time I've had the opportunity. I am very upset that there is no LP presence in my region of NY, and that the LP choice is not on voter registration cards, even after my almost 10 years of being a member--first joined in NY, then transferred to ME, and now back in NY. What progress have we made towards ballot recognition and reform? Why isn't this our first priority???

This coming year there will be several major events in my region, from the World's Largest Garage Sale in Warrensburg, NY the 1st weekend in Oct. 2004, plus many arts, food and county fair festivals. I would be willing to operate Politically Homeless booths at any of these events in which the NY LP would provide additional volunteer help, all booth materials and literature, and other assistance in setting these occasions up in my area.

I have been so politically homeless for about 33 of my 40 years, that I stuck my head in the sand when it came to politics of any kind, until I became so disgusted by our government that I found and joined the LP, finally finding the ONLY political party I could support fully and call HOME. I may not be a great LP debater, but I have unlimited heart and enthusiasm, as well as intelligence and LP experience, to share with other disgusted citizens and voters. I almost lost hope completely after the 2000 election, because I truly--and naively?--believed Harry Brown, and LP, had a real chance to compete in the election. I was disgusted by the LP members who proudly told me they never vote, or that they vote for the lesser of TWO evils, not "wasting their vote" on an actual LP candidate!!! To me, people like that do NOT belong in the LP and are harmful rather than helpful to the success of our efforts. Maybe I am the only LP who believes in ALL of the LP platforms, suggested policies and reforms? If so, my time would be wasted continuing to support such a dedicated loser.

I'm 40, is it too much to ask that we dedicate our LP selves to putting LP choice on voter registrations in our and all states, that we all commit to voting for LP Presidential candidates, that each of commits even an hour a week or month to sharing our LP beliefs, experiences, hopes, passion, joy, platforms, literature, and make a greater effort to ACT on LP behalf as members, citizens, voters and believers?

When I didn't have money to donate, I gave generously of my time, ideas, articles, marketing & promotion of LP literature, business and other skills, resources, genuine enthusiasm, my passionate presence at LP events and my active support almost daily since I joined the LP in 1995. I put my money and time, where my mouth was, so to speak. If all LP members did the same, we would be on registration cards nationwide, we'd be in televised debates, we'd receive major media coverage without begging for a mere mention, we'd gain countless new members, raise more money, make an actual difference in government size and policy, and be a major contender in every election across the nation. If even

one in every five LP members invested as much positive energy to supporting the Libertarian Party as I have, we wouldn't have to hope for an LP President in our lifetime, we would already have one. If there are any local LP members in my region (Glens Falls, Lake George, Queensbury, Wilton, etc.), well north of Albany, NY, please do contact me to share our LP efforts, enthusiasm, experiences and ideas.

Together, we may finally be able to create an LP presence north of Albany, organize LP Social gatherings and events, and host Politically Homeless information booths.

Yours in Liberty,
Gina Jordan
Glens Falls, NY

(Editor's reply/note: Michael Badnarik was chosen to be the LP Presidential candidate; some progress was made in getting the NYLP on the official voter registration form, in the form of a write-in line, hopefully we will soon get our full printed name on it as well; we have been on the NYS ballot for decades, but at a great cost and effort, if we win 50K votes for our gubernatorial candidate, then our ballot presence will be far easier to maintain.)

I'd rather Fight than Quit

Hi, just wanted to say that I really liked the article on how to fight the smoking ban, I was talking to a friend who runs a bar and he seemed to think that it was a done deal about the smoking, but when I showed him the article he seemed fired up about seeing that there was a way to fight it. I don't know if he is going to do something about it, but it really says that there are ways around this stupid thing. I guess anyone with a business would be scared to stick his neck out.

I also have friends who are glad about the smoking ban, and they don't care if people have to smoke outside, they say they should quit. That's ridiculous, all they really care about is themselves, they don't have any sense about what it means to make bar owners force their customers out of their place to smoke.

Keep up the good work.

Larry
Saugerties

Just Say Oh?

I was very disappointed by the letter I received from Silberger For Senator. How can our candidates be taken seriously when the only issue they discuss is the drug war and "full legalization of all drugs." why does Mr. Silberger even bother running when it is obvious that he doesn't want to attract any voters.

Mr. Silberger didn't mention the oppressive tax burden, the Puritain moral values of the Bush administration, the Patriot Act, the fictitious war in Iraq, or the trillions of dollars wasted by frivolous government spending. Instead, Mr. Silbener mentions only the war on drugs, an issue that will attract very few non-libertarians.

No matter how right we are on the drug war issue, I am unable to ever support a candidate whose sole focus is that issue. Sincerely,

Tony Correnti
West Islip, New York

OUR PARTY MATTERS

LP POTUS Nomination, cont'd from page 1

"appeal to the general public". There was the negative scuttlebutt which Carol Moore and others had spread about Russo. There was Russo's occasional hyperbole and minor gaffes. And, finally, there was Russo's honest (and in my opinion honorable) confessions of ideological impurity on certain issues.

In brief, we had three credible contenders for the nomination. Two of them (Russo and Badnarik, in my opinion) were uncommonly promising both as intellectuals and as public speakers.

What decided the outcome was Nolan's asking his supporters to support Badnarik, probably because bad blood had developed between the two more flamboyant and egoistic competitors, Nolan and Russo.

I concur with John Clifton that Russo might have been a better overall choice than Badnarik. But he also would have been a more iffy one, who could as easily get us a black eye as provide us with publicity and ultimately a high vote total. By the final ballot, I was very strongly pulling for Russo, because I was personally ready for the LP to take a risk that promised a large possible payoff. However, I disagree with John Clifton that Badnarik's nomination was for the LP a disaster. It is true that nobody's heard of Badnarik. It is true that he has virtually no campaign organization, that he has very little money, and that he possibly didn't really want the nomination. Fred Collins correctly described Badnarik in victory as "a deer caught in the headlights." Without the help of our grassroots, Badnarik will net us another zero: He is a modest fellow, unlike the tall and flashy Harry Browne.

But Badnarik is a diamond in the rough, a Mr. Smith one really wants to go to Washington -- a thoroughly honest, decent, articulate, and thoughtful man. But he is also a man whose opinion of himself seems to be far lower than is warranted by his quality.

With our financial and moral support, Badnarik could turn out to be one of the very best candidates the LP has ever chosen. If we had gotten Russo (as we probably should have) then very little would have been demanded of us. For, Russo would have taken charge and done it all to bring our party out of its obscurity -- or blown it all for us, and brought us infamy. However, we got Badnarik. With Badnarik we will be obliged to pitch in and bring out the considerable potential in this fellow.

I believe that Russo will help him, and Russo's (and Fred Collins') help may provide just enough political leadership to bring out the light in this fellow who has come to us out of nowhere, and convinced over four hundred delegates to make him our candidate for President of the United States.

I certainly do hope we see Badnarik again, and see him frequently. He is not much of a politician, and certainly not much of a political organizer. But he could be a superb statesman. And with the assistance of the politically canny in our party, that statesmanlike quality which is Badnarik's might well be recognized by the public at large.

It is up to us to make this happen.

LPNY CONVENTION NEWS

The 2004 LPNY Convention was held on April 24, 2004 at the Holiday Inn Martinique in NYC.

Two candidates for the LP POTUS nomination spoke there, as well as two candidates for the NYLP nomination for Senator.

Several other speakers (see last issue) presented their views and information on various libertarian concerns and perspectives.

The following individuals were elected to the State Committee at the 2004 LPNY Convention:

Chair --	John Clifton
Vice-Chairs --	Richard Cooper
	Steve Healey

Treasurer --	Werner Hetzner
Secretary --	Bonnie Scott
At-Large	
Positions --	Audrey Capozzi
	Chris Garvey
	Tom Stevens
	Blay Tarnoff
	Gary Treistman

Congratulations to all!

(This list does not include chapter representatives.)

See photos of convention attendees on next page.

LPNY Committee Meeting Briefs

The last quarterly LPNY State Committee meeting occurred on August 26, 2004, in Latham, NY.

Participating were Committee members & observers, Werner Hetzner, John Clifton, Tom Stevens, Gary Treistman, Jeff Bennett, Don Silberger, and Jeff Russell present in person, and Bonnie Scott, Rich Cooper, Jim Harris, Chris Garvey, Blay Tarnoff, Steve Healy, and Fred Newton by teleconference.

In selected highlights of the meeting, the Committee discussed/planned:

- Discussed available fund raising modalities, e.g. monthly pledges, re-signing lapsed members, fund-raising letters and phone calls.
- Reviewed LibertyWorks' offer for administrative support of NYLP core functions, discussion was had with the teleconferenced overview and presentation given by Robert Butler, founder

of LibertyWorks. (Libertyworks is a professional political consulting firm owned and operated by Libertarians for Libertarians.)

- Discussed National LP contribution to NYS ballot drive for the LP candidate for US President, Michael Badnarik.

- Addressed the need to surround NYLP candidates campaigns with crowd attracting/participating events.

- Planned ballot access signature petitioning strategy, and projected select petitioners' pledged returns; strategized additional petitioners' locations and cost effectiveness. completing successful libertarian activist projects in New York; said commendation is bestowed by a Certificate of Recognition and an official Letter of Commendation from the NY State LP Committee.

2004 NY LIBERTARIAN PARTY CONVENTION

Some photos submitted of attendees and organizers

(Taken by Rich Cooper)

John Clifton and Bonnie Scott taking note of convention proceedings.



John Clifton at the Podium



Gary Popkin gets fired up

Donald Silberger gets in front of the camera



Gary Treistman & Family have a good time



Our Party Matters

AN OVERVIEW FROM THE NYLP CHAIR,JOHN CLIFTON:

Six Months, Four Priorities

I: The General Picture

The Libertarian Party of New York has opportunities and challenges ahead. As you know, it is now possible to register as a Libertarian. I urge those of you who have not already done so to register Libertarian. Next year we have a wonderful opportunity that only comes every four years. It will be our opportunity to reach our goal of becoming an officially recognized political party in New York because there will be an election for Governor. It would be a great victory for us if we get 50,000 votes in that election. This goal is our challenge. It can not be reached without a lot of help. Your help is essential year, we should aim for 30,000 votes in order to be on the best track to 50,000 votes in 2006. If we don't achieve it, we have even more work cut out for us.

We, and by that I mean all of us, must become more politically active. We, all of us, must work to make it happen. There is no better time to start than now. This is the first day of the rest of our lives. This is the day to commit to work toward victory. We, all of us, have to mobilize, organize, and contribute time, money, talent, and effort. We, all of us, have to find ways to reach people.

As you may know libertarians at the National LP convention picked Michael Badnarik to be our Presidential nominee for this November's election. Check out his website at badnarik.org. Here in NY we are fortunate to have a distinguished and committed candidate for the U.S. Senate in the person of Professor Donald Silberberger - www.silbergerforsenator.org. He will undoubtedly coordinate closely with Badnarik in our state. Our own Jeff Bennett is carrying our banner in running for the state Senate in the 38th district (Rockland County area). Check out his website at - www.bennent4senate.org. We have to help our candidates help us deliver our message to voters.

I hope I can count on you to help our candidates get petition signatures, exposure, funds, and wide state support. These will be important opportunities for us to practice and prepare for the important Governor's race in 2006. We need to find support and commitment for this year's races in hopes of reaching our goal of 50,000 votes that year. Meanwhile, we need 15,000 petition signatures between July and August to be on the ballot this year. You will find a petition form in this issue. It is one opportunity for you to help the cause, your cause and mine. Please complete it and mail it in. We, on the Committee, and our candidates are waiting to hear from you.

(Note: The Libertarian Party of New York will be issuing the Dottie Lou Brokaw award this summer to the best volunteer petitioning effort by a member of LPNY. This year's winner will be decided by the state committee at its August 26 meeting.)

II: The Money and Party Building Picture

After the petition drive, LPNY's Treasury may be tapped out. The preparations and distractions of two major conventions this spring has delayed full movement on the fund-raising side, but no more. So beginning this summer, an effort to persuade our members to become monthly pledgers to LPNY will start. We are suggesting that members pledge at least \$17.76 (or preferably, a multiple of that — \$35.52, \$53.28, etc.) per month to replenish funds we will expend during this election season. Please, please, please, use the Click & Pledge on the LPNY website, or failing that, use the paper form on the back page of Free NY to make a one time donation of \$50 or more to the state party.

Additional steps the state committee is taking to resolve improving our operations is to consider a contracting outside NY to get needed administrative functions accomplished. By mid-summer LPNY should have completed its review of a proposal of Robert Butler (Executive Director of Ohio LP and founder of the political consulting group Libertyworks), to act as a kind of 'virtual Executive Director' for our state as well. What I myself expect from such an arrangement is that he would:

- take six months to go through our lapsed LPNY member list by phone and mail, and obtain a 2% rejoin rate (65-75 rejoined members out of 3300 contacted). Failing that, get a 2% response in the form of donations.

- Prepare a regular fund-raising series of letters (in a high-responsive format) to all current members in months Free NY is not going out, to get 10% of the membership to become monthly LPNY donors via Click & Pledge at an average of \$30/month each. \$30 times 70 equals \$2100 more income to LPNY per month.

- Respond to all new member inquiries, LPNat/ASG referrals, or candidate

Inquiries by phone and mail an intro letter/kit as standard procedure. Aim for 30-35 new members in 6-8 months resulting from this follow-up effort.

- Get professional media kits sent to the press in NY, follow-up with calls (and in person press meetings when he is in-state). Twice the number of article write-ups mentioning the LPNY should be the outcome (using the number of media articles of the last 6-8

months as a baseline).

Discussion and approval of this should conclude by mid July, so the Libertyworks arrangement could get started by August 1; six month review of his progress would happen at the January LPNY meeting.

III: LP Enrollment Drive

I have revised (and not forgotten) certain projections I made last fall regarding the registration drive that should be part and parcel of LPNY activity through the 2006 election. A modified breakdown of what should be happening, or should start to happen during the next six months is as follows. The "attack pattern" for building up LP enrollment totals logically should take a step-up ladder form, as in this order of approach---Libertarian-aligned, libertarian issues-aligned, libertarian on some issues-aligned; non-aligned; and already aligned with DemReps, but tired and open-minded). As the population of enrolled Libertarians in NY increases or spirals upward, so does our pool of donors. In this fashion, LPNY can afford to make successive appeals to each "level" towards mass market, starting with:

- Current LPNY members; lapsed members, literary/non-political libertarians and anarchists; paleoconservatives/constitutionalists; civil libertarians.
- Next come the niche audiences: drug reform, anti-RAVEs, anti-war, tax reform, gun rights, etc., and youth/campus groups.
- Then the independents and other third party members.
- Lastly, broader "disgruntled" mass populations (frustrated mainstream progressives and conservatives, Republican Liberty Caucus/Democratic Freedom Council).

Proposed registration markers for measuring our total progress:

- 700-1,000 enrollments from LP members, I call level zero, or where we are now.
 - 2000-3000 = Level 1 accomplishment (triples or quadruples our current numbers)
 - 5000-6000 = Level 2 (7-8 times current total, equals LPNY base vote in NY elections)
 - 10,000 = Level 3 (five digit enrollment figure reached)
 - 15,000 = Level 4 (enrollments equal 15,000 petition signature requirement to get on the allot)
 - 30,000 = Level 5 (enrollments equal Green Party totals after they reached ballot stats)
 - 50,000 = Level 6 (enrollments equal to the Gubernatorial vote total needed to obtain full ballot status)
 - 100,000 = Level 7 (six figure total reached)
- I think the first notch, and inroads towards

the second level, can be obtained within months, and requires no action by LPNY beyond wide publication of the news. The 3,000 mark can be reached by the 2005 election, IF it is high-profile and a strong initial campaign is jointly waged to attract the issue-aligned and niche audiences over the next 18 months. In NO case should we hinge our efforts upon the Board of Elections helping us to promote the new form; all we really need is for the new change to remain in effect.

The 6,000 mark is doable by Election Day 2006, especially IF the LP U.S. state candidates are running a registration-oriented campaign, and the issue/niche markets are again pushed hard to "make that change" in the months between the convention and the election. It wouldn't hurt if the LP candidates were grassroots oriented, and staged many appearances in New York. I think a celebrity candidate for Governor is the shortest and surest route to success in both spurring enrollments and in getting 50,000 votes, if a two-step wooing process is started now (say, to first invite the high profile person to county or state conventions in 2005, then ask them about running in '06).

IV: Outreach

Werner Hetzner is developing an outreach strategy to persuade related groups into considering support or conversion to the LP, including plans to:

Write or Email to the people who completed the Can The Ban petition. Write to the Indian tribes. Write to business groups Write to motorcycle groups. Write to gun groups Write to home schooling groups. Write to drug groups.

These groups should be approached, and I offer to assist Werner in the effort (and I hope Werner further outlines his whole proposal). It would be especially crucial in light of the fund-raising, petitioning and registration drives explained above. But it may be just as helpful for members (who are active with these groups/activities) to provide referrals to us to these groups instead of just a cold mailing, so that the approaches would amount to warm contacts.

So there it is---projections, goals, markers, timetables, concrete numbers. Or it's at least enough of a blueprint to pick apart and revise, if somebody wants to substitute more "realistic" projections. Bluntly put, LPNY needs to grow way beyond putting out a convention, a newsletter, and a petition drive each year. If we don't get started on it now, in a Presidential campaign season, then when? Please give, enroll as Libertarian, gather signatures, and help us get this party started!

Peace & Freedom, John

ANNOUNCEMENTS, NEWS, PAST AND PRESENT:

BADNARIK TO DEBATE OTHER 3RD PARTY CANDIDATES

Michael Badnarik is scheduled to participate in a debate at Cornell University in October. As reported by Mr. Raj Shah of Cornell:

Officially confirmed to participate in the debate is Michael Badnarik of the Libertarian Party, Walt Brown of the Socialist Party, Michael Peroutka, and if/when he wins David Cobb of the Green Party.

Cornell officials are still working to include Ralph Nader and national live coverage by CSPAN. "We will likely get both if we get one.", said Mr. Shah.

The 3rd party debate is scheduled for Wednesday, October 6th, 2004. Visit www.cornell.edu, email info@cornell.edu, or call 607-254-INFO.

LIBERTARIANS SAY PRISONER ABUSE SCANDAL PROVIDES ANOTHER GOOD REASON TO GET OUT OF IRAQ.

WASHINGTON, DC -- The growing turmoil over the abuse of Iraqi prisoners has demonized the United States and doomed the U.S. mission to failure, say Libertarians -- and the best solution is to bring American troops home as soon as possible.

"It's time for U.S. politicians to pull the plug on their latest Frankenstein-like experiment in nation-building," said Joseph Seehusen, Libertarian Party executive director. "The international furor over the abuse of Iraqi prisoners should make it clear to everyone that the U.S. government has lost the credibility it needs to be a positive force for change in Iraq."

U.S. military officials moved to issue reprimands against 13 soldiers on Tuesday in an attempt to contain the global backlash resulting from reports that soldiers tortured and sexually abused Iraqi prisoners at the Abu Ghraib prison outside Baghdad.

And though U.S. officials initially claimed that the incidents were the isolated acts of a few individuals, an internal Army investigation completed in February uncovered a pattern of "sadistic, blatant and wanton criminal abuses" that were both "systemic and illegal."

Libertarians predict that disciplining a handful of soldiers won't contain what one U.S. senator called the "phenomenal damage" that the televised incidents have caused to the United States.

"Not surprisingly, the actions of U.S. troops drew immediate condemnation from the United Nations, Amnesty International and governments around the world," Seehusen said.

"When even the U.S. government admits it has committed 'sadistic, blatant and wanton criminal abuses,' imagine what our enemies are saying. The global broadcast of these photos may well serve as a worldwide recruitment poster for al Qaeda and other terrorist organizations."

The prison-abuse scandal is just the latest sign that the U.S. nation-building mission in Iraq is spinning out of control, Seehusen added. Other indications:

* The death rate for U.S. troops is increasing: More U.S. troops died in April (150) than in the previous three months combined, Seehusen noted, and thus far 748 Americans have been killed in Iraq since January 2003.

* The cost of the war is rising: The monthly cost of the war is approaching \$6 billion -- at least \$2 billion more than President Bush projected two months ago -- and the Pentagon has spent more than \$70 billion in Iraq so far.

* Both U.S. and Iraqi public opinion are turning against the war; according to an April 29 New York Times/CBS poll, fewer than half of Americans now support the U.S. military action in Iraq. And a recent USA Today/CNN/Gallup poll found that 71 percent of Iraqis view U.S. forces as "occupiers."

"These are all signs of a nation-building mission gone haywire -- and the prison abuse scandal will only make the situation worse," Seehusen said.

"When will politicians learn that nation-building is just another futile, expensive -- and deadly -- government program? At this point, saving lives is more important than saving face. Mr. Bush, it's time to bring our troops home."

To contact the National Libertarian Party:
2600 Virginia Avenue, NW, Suite 100
Washington DC 20037
World Wide Web: www.LP.org
George Getz, Communications Director
Phone: (202) 333-0008

"This year will go down in history. For the first time a civilized nation has full gun registration. Our streets will be safer, our police more efficient, and the world will follow our lead into the future." - Adolf Hitler, 1935

LIBERTARIANS REACT TO NEWS OF COMING DRAFT

US Senator Chuck Hagel (R-Neb) reported today that the deteriorating military situation in Iraq may force the U.S. to reintroduce the military draft.

"Why shouldn't we ask all our citizens bear some responsibility and pay some price?" Hagel said, arguing that restoring compulsory military service would "force our citizens to understand the intensity and depth of the challenges we face."

Libertarians from around the country reacted with shock, disbelief, and resolve.

"We will not tolerate the use of force to obligate our young people to fight in a war they do not agree with," stated LP of Ohio Executive Director, Robert Butler.

"How a President like George W. Bush can start a draft, when he himself has a questionable military record is beyond belief."

"This just proves the folly of the Bush administration's actions. They made mistakes, and now we'll be paying the price. We will organize an effective resistance movement to this call for a military draft."

**NY LIBERTARIAN US SENATE CANDIDATE
POSES THE QUESTIONS EVERY POLITICIAN
IS AFRAID OF**

NYS Libertarian US Senate candidate Donald Silberberger dares to raise the questions no other candidate dares to raise on Iraq, drugs, the Patriot Act, guns and the expanding federal government. He brought his campaign to Long Island on Tuesday, June 15th before the Nassau Libertarians.

Silberberger, a Harvard graduate and SUNY-New Paltz math professor, asks "Why does the Land of the Free incarcerate a larger number and a larger percentage of its citizens than does any other country on Earth?" His main issue is "Restoring the Rule of Law in the United States, by restoring the Bill of Rights of the US Constitution.

The Bill of Rights was written to protect the citizens of the new United States from what was considered the constant threat of tyranny imposed by an eventually burgeoning, unbridled, increasingly powerful government", says Silberberger - "its purpose was to specify that the (few) powers granted by the Constitution to the federal government were therein specified and limited." In order to preserve our constitutional and

individual rights, Silberberger questions and opposes the war in Iraq, the war on drugs, the war on gun rights and the war on civil liberties exemplified by the self-styled PATRIOT Act.

Nassau County Libertarian Chair and NYLP Vice-Chair Richard Cooper salutes the 74-year old Silberberger as a champion of liberty. "Don Silberberger, like Barry Goldwater and Eugene McCarthy, may show that a gray haired gentleman can inspire both young and old to get involved in the political life of their country. You can count on a Libertarian mathematics professor like Don Silberberger to add to our freedom and multiply our happiness."

For information: 516-767-4688 or email nylibertarian@hotmail.com or campaign@silbergerforsenator.org

Green's Law of Debate:

Anything is possible if you don't know what you are talking about.

**BADNARIK ANNOUNCES
RECONCILIATION WITH THE IRS****My personal tax situation:**

"The best thing that could happen to our federal government would be if every American stopped paying income taxes. This would force the government to reduce spending to the limits established by the constitution, and prove that a government limited to its constitutional functions doesn't need an income tax.

But most Americans have families who depend on them—and can't afford to take the risks involved in standing up to the IRS.

My situation was different. I do not have a family that depends on me. I was putting no one at risk but myself. So I decided to take that risk and follow through on my beliefs by not filing.

But since I received the Libertarian Party's nomination for President of the United States, that situation has changed. Now there are millions of

people depending on me. Because of that, and only because of that, I have taken the legal steps required to determine whether the IRS thinks that I owe them or if they owe me. I do not have that answer yet.

My party has always demanded an end to the income tax. As your president, this will be one of my first goals.

Yours in Liberty,
Michael Badnarik

Supreme Court does good, con't from page 1

But the Supreme Court brought back some reality to this Kafkaesque interpretation of the Constitution, in its June 28, 2004 decision, Rasul, Shafiq, et al. v. Bush, George, et al. / Al Odah, Fawzi, et al. v. U.S., also see concurrently Hamdi v. Rumsfeld.

The court ruled that, no matter what the Govt called these detainees, they must be afforded the same access to the U.S. legal system as others.

The court side-stepped slightly, the more urgent question for American citizens - can an American citizen, like Joseph Padilla (the so-called dirty bomber) be taken and held likewise? It would appear that it follows directly that Padilla has the same rights, but the court only ruled that Padilla filed his suit in the wrong federal court venue. Eventually when it lands back in the Supreme Court, they will get to say whether American citizens have the same right to access the courts, even if labeled 'enemy combatants'. (Despite the Govt's public propaganda, they readily admit that Padilla had no radioactive material or any other bomb-making equipment. Nor had he chosen a target, or formulated a plan. His "knowledge" of bomb-making came mostly from the Internet, and while his attempts at pow-wow-ing with al-Qaeda appear real, this streetgang dropout looks a lot more like a terrorist wannabe, who even al-Qaeda wants nothing to do with. Most likely Padilla is a test subject, a trial balloon, to see just how far the Executive branch will be permitted to violate our rights before, and if, the courts beat them back.)

In the wake of the Supreme Courts rebuke, Ashcroft stated that not all of what the Supreme Court identified as constitutional due process for individuals detained as enemy combatants would have to be "judicial processes." Other processes, about which he declined to elaborate, "can be respective of rights," he said.

Interpreted from his native politispeak tongue, Ashcroft means that he still intends to keep these persons out of the judicial courts, and intends to set up some rubber-stamp forum within his administrative agencies to post the veneer of redress, but will deny it just as effectively as if it weren't there, and maybe more so because it is there.

Time will tell whether the courts will accept this willful reinterpretation of the Supreme Court's mandate and injunction.

Punishment that fits the crime proven/Punishment based on reliable evidence.

In another case, the Supreme Court let loose one of the most explosive salvos in the defense of criminal law due process in the last 30 years.

The most current case Blakely v. Washington, decided June 24, 2004, is the penultimate crescendo in a series of Supreme Court decisions related to criminal law sentencing, specifically the standards of proof required to achieve a particular sentence, and who (i.e. what intracourt entity) has the constitutional right to find the factors underlying such sentencing.

As brief primer, in the pre-Blakely criminal sentencing schemes - widely accepted across the nation as the de facto

procedure to determine and levy sentences on convicted defendants - a criminal defendant is tried before a jury to determine only his guilt. The jury is to hear the facts of the case, and based upon the elements of the charged crime, determine whether the defendant had caused all the elements of the crime to come about. Since criminal cases rarely provide a clear cut factual basis for guilt (where the defendant would likely simply plead guilty), the standard by which the jury is to determine whether the facts presented support such guilt is termed "beyond a reasonable doubt". This heuristic standard (read "really sure") is supposed to be the highest standard of proof to test against in deciding a probabilistic truth.

What the trial juries have been specifically prohibited from doing in reaching their verdict, was considering what punishment the defendant might face if convicted. In fact mistrials have been declared merely on the basis that the jury found out what sentence a subject defendant was facing if convicted. The courts had jealously compartmentalized any mention of punishment from the juries' consideration of guilt, for fear of "jury nullification", a verdict of 'not guilty' based upon the jury's extra-judicial rejection of either the crime being charged or sentence possibly imposed. (Several activist groups were formed over the issue of Fully Informed Juries, the view that juries should be permitted to know everything about the case, as well as to know they have the right to reject a guilty verdict based on moral or equitable grounds, e.g. see www.fija.org)

During the trial, the judge is supposed to act merely as a referee and umpire, making sure that the trial proceeds in an orderly fashion and the litigants follow the procedural rules.

However, if and when a defendant is found guilty by a jury, the judge dons a new hat, and conducts what is known as a Sentencing Hearing.

At such hearings, some of the most outrageous decisions/findings are made, and it is where unconscionable penalties are meted out based upon the flimsiest of inferential excuses, irrespective of what was used to obtain guilt at trial. Once a verdict of guilty is pronounced by a jury, reliable due process is virtually thrown out the window, and a prosecutorial feeding frenzy ensues.

In a sentencing hearing, the judge alone determines what facts will be transformed into what sentence, and the standard of proof used is known as "a preponderance of evidence", described as 51% or more likely than not.

In such hearings the prosecution and judge are given wide latitude in presenting/considering just about anything in trying to raise the imposed sentence, whether indirectly, or not related at all to the charged crime; this includes hearsay (e.g. he said she said they said he did it), propositional relationships (e.g. he had 4 airline tickets in his apartment, so he must've set fire to 4 buildings, or picked up 4 shipments of drugs), and moral turpitude (e.g., likes to watch hardcore porn, skipped out on his kids), lack of remorse (i.e., lack of acting ability), or even on criminal charges the defendant was found innocent of at trial.

There is very little that a sentencing judge could not

PETITION SIGNATURE GATHERING RULES, METHODS, TIPS AND SUGGESTIONS

In preparation for the election ballot drive this year, please read the following and take into consideration these rules and suggestions; the goal is quantity of signatures, rate of signature gathering, and the quality of signatures received.

What to bring:

- Two or more clipboards with large rubberbands to hold the petitions and pens in.
- It is recommended that lightweight foamboard be used instead of clipboards if you can find them.
- Literature about the party and the candidates. (see below)
- These signature gathering Instructions
- Some friends to help out with the petitioning, and to keep each other energized, empathized.
- Liberal amounts of coffee available, but be careful not to spill on any forms, or people.

Ground Rules for Petitioning:

- Instruct the person signing not to use a titles such as Dr., Mr., Ms., etc.
- Instruct the person signing to give his/her street address only, no P.O. Box addresses.
- Be careful about dates and signatures:
- Do not alter a signature. If the signer must alter or move his/her signature, he/she must initial the change. If you change a date, you must initial the change. You need not initial changes to addresses or town data. You do not have to be a member of the LPNY to collect or witness signatures.
- Never argue with or try to convert anyone when working to get his/her signature. Smile, be friendly, and get his/her signature. Remember the 20 second rule: if a person doesn't agree to sign within 20 seconds, move on to someone else! Don't sacrifice the many for the few.
- Always check that a signature, name and address are legible before the person leaves.
- Carefully fill out the witness statement at the bottom. Any errors or omissions will invalidate the entire sheet. If your post office address is in a different town than your residence, or if you have a P.O. Box, you must put down both addresses!
- Do not fill in the Sheet Number. We will add that when collating the sheets.
- If you have signed another independent nominating petition, you cannot sign or witness signatures!
- You can't witness your own signature. Have a friend witness your signature on a separate sheet. Always check that a signature, name and address are legible before the person leaves.
- Carry the signature sheets with you during your daily activities, you never know when you might have an opportunity to collect a signature or two! Make as many copies of the blank petitions as you feel you need. Always save one blank one in case you need to photocopy more.
- DO NOT photocopy these instructions onto the back of your petition sheets. You must be registered to vote in New York State to collect/witness signatures.

Good lines to use when asking for signatures:

Use a non-threatening opener like "Excuse me, are you registered to vote in New York?" (That also filters out unqualified people.)

"Anybody should have the opportunity to be on the ballot, don't you agree?"

"Sign on the dotted line."

Sometimes, just saying "Would you sign my petition", will be enough and they grab the pen. Only say enough to get them to sign the petition.

If they seem reluctant, tell them that "Signing the petition doesn't mean you have to vote for the Libertarian Party, and you are

Petition Gathering Instructions, continued . . .

not voting now -- it just gives Libertarian candidates an equal chance to be on the ballot and run for office, so that people can have a choice to vote for who they want.”

Another great line to try: “We need 15,000 signatures to get our candidate on the ballot, but we only need one from you.” If they do ask about the party, be ready to whip out a postcard-sized version of “The World’s Smallest Political Quiz”, and also write our 800 number: 1-800-ELECT-US. Prepare to have a few universally appealing one liners to describe libertarianism. (Often mentioned is Harry Browne’s race for President, a few years ago, to end the income tax and make the Federal government *much* smaller (and less intrusive).

After signing, if they’re sympathetic (or not, sometimes), remind them to look for our emblem [pointing] and our candidate [mention the names] on the ballot.

If you can get the board or pen into the signer’s hands, chances improve. When the crowd is responsive, you can get one per minute. Two clipboards -- no waiting, but watch both signers. You are after all, a witness.

Be Aware of Saboteurs:

“Don’t let anyone ‘sign for my friend/relative.’ or any person other than themselves. Such people are likely major party agents, looking to create an election fraud case against you, and to invalidate all your signatures. Give hir a blank sheet on which S/HE can witness their friend’s signature and tell hir to send it to Jeff Russell, see below. He’s listed on the petition on the committee on vacancies.”

Where to petition:

Try local parks, downtown in the largest city near you, and in Wal*Mart, supermarket, mall parking lots. (Ask permission, but they usually grant it if you stress that it is for ballot access. It helps to have voter registration forms, too.) Local festivals, fairs, and other outdoor events. It’s a lot tougher in less populated areas, so it can be worth it to get a CD of the voter info for your county and go door-to-door, just targeting registered voters. The DMV’s are a great option for finding a ton of registered voters in one place, not doing too much but waiting around!

Look for public places where there are a lot of people are hanging around. Malls and other private property may require permits before you can petition.

NYC metropolitan-area Libertarians:

Find crowds to ask for signatures in the subways, at Metro North stops, and LIRR stations. Metro-North Info If you’re in the area, contact the Manhattan LP for a partner to work with, or just print out your own forms and pick a busy station near you. Focus on the 6AM to 9AM rush-hour crowd, and then come back for the 4PM to 7PM rush hour. If you can stay even longer, Grand Central and Penn Station should be prime locations for your effort.

Besides the train and subway stations, other good places to approach people for signatures are Jones Beach, outside of Yankee Stadium, and Central Park. The “Summer Stage” Concert Series in Central Park and around the Brooklyn Cyclones’ Coney Island stadium are great when there are events and games. New York LED has a list of NYC Summer Street Fairs, which are other great opportunities to petition and find New York City voters.

As soon as possible, give all completed signature sheets to your local coordinator, or mail them to: Jeff Russell, 55 Via DaVinci, Clifton Park, NY 12065-2903, no later than August 10th. [ed: The earlier, the better!]

Have fun.

Signatures collected should be submitted by August 14th to your local chapter president Petition Coordinator, or directly to:

Jeff Russell
55 Via DaVinci
Clifton Park, NY 12065-290

Independent Nominating Petition

I, the undersigned, do hereby state that I am a registered voter of the political unit for which a nomination for public office is hereby being made, that my present place of residence is truly stated opposite my signature hereto, and that I do hereby nominate the following named persons as candidates for nomination for public offices to be voted for at the election to be held on the 2nd day of November, 2004, and that I select the name Libertarian Party as the name of the independent body making the nominations and the image to the right as the emblem of such body.



Name of Candidate	Public Office	Place of Residence (also Post Office address if not identical)
Michael Badnarik	President of the United States	14100 Thermal Drive, Apartment 923, Austin, TX 78728 (PO Box 841, Buda, TX 78610)
Richard V. Campagna	Vice President of the United States	1135 Weeber Street, Iowa City, IA 52246 (PO Box 5265, Coralville, IA 52241)
Donald Silberger	United States Senator	44 Church Street, New Paltz, NY 12561-1080 (Post Office Box 1080, New Paltz, NY 12561-1080)

Candidates for nomination for the public offices of **Elector of President and Vice President of the United States:**

Name of Candidate	Place of Residence (also Post Office address if not identical)	Name of Candidate	Place of Residence (also Post Office address if not identical)
Richard A. Cooper	2115 Valentines Road, Westbury, NY 11590	Ronald G. Moore	208 E 13 St, Apt 3F, New York, NY 10003
Dawn Davis	921 Charlton Rd., Scotia, NY 12302	John C. Mounteer	486 Bond Rd, Altamont, NY 12009
Donald H. Davis	921 Charlton Rd., Scotia, NY 12302	Christian Padgett	560 N. Erie Ave., Lindenhurst, NY 11757
Robert S. Flanzner	75 Henry St., Apt 15E, Brooklyn, NY 11201	Audrey M. Pappaeliou	7 Wigtel Lane, Bellport, NY 11713
Christopher B. Garvey	16 Nicoll Ave., Amityville, NY 11701	Gary S. Popkin	(PO Box 613, Bellport, NY 11713)
David A. Harnett	234 Cream Street, Poughkeepsie, NY 12601	Louise Popkin	849 President Street, Brooklyn, NY 11215
James E. Harris	426 Center Street, Westbury, NY 11590	Eleanor Rosenblatt	130 E 18th St, Apt 6U, NY, NY 10003
Loretta K. Hetzner	(PO Box 1036, Rockville Centre, NY 11571)	Catherine Ruks	27-06 21st Avenue, Astoria/Queens, NY 11105
Werner Hetzner	125 Ontario Street, Cohoes, NY 12047	Thomas Ruks	27-06 21st Avenue, Astoria/Queens, NY 11105
David J. Hopwood	31 Hvy Drive, East Schodack, NY 12063	Norma Segal	332 Central Park Avenue, Scarsdale, NY 10583
Nicolas Leibold	210 East 9th St, Apt 2, New York, NY 10003	Donald Silberger	44 Church Street, New Paltz, NY 12561-1080
Jim Lesczynski	301 E. 87th Street, #2A, New York, NY 10128	Sam Sloan	(Post Office Box 1080, New Paltz, NY 12561-1080)
Adam Martin	27 West Bartlett Road, Middle Island, NY 11953	Thomas Robert Stevens	920 Belmont Ave., Brooklyn, NY 11208
Bruce A. Martin	27 West Bartlett Road, Middle Island, NY 11953	Michael L. Trombetta	53-50 194th Street, Flushing, NY 11365
Crystal Martin	27 West Bartlett Road, Middle Island, NY 11953	Alexander Edward Ulmann III	513 Thompson Shore Road, Manhasset, NY 11030
William P. McMillen	94 Cherry Avenue, Delmar, NY 12054		68 Old Stone Hill Rd., Pound Ridge NY 10576

I do hereby appoint:

John Clifton	168-32 127th Avenue, Apt. 9D, Jamaica, NY 11434	Jeffrey T. Russell	55 Via Da Vinci, Clifton Park, NY 12065
Stephen C. Healey	224 Ellicott Street, Rochester, NY 14619		

as a committee to fill vacancies in accordance with the provisions of the election law.

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

	Date	Name of Signer (signature required) (printed name may be added)	Residence	Enter town or city and county
1	/ /04	X		City or town:
	printed name:			County:
2	/ /04	X		City or town:
	printed name:			County:
3	/ /04	X		City or town:
	printed name:			County:
4	/ /04	X		City or town:
	printed name:			County:
5	/ /04	X		City or town:
	printed name:			County:

Complete the following STATEMENT OF WITNESS

I, (name of witness) _____ state: I am a duly qualified voter of the State of New York and I am also duly qualified to sign the petition. I now reside at (residence address) _____.

Each of the individuals whose names are subscribed to this petition sheet containing (fill in number) _____ signatures, subscribed the same in my presence on the dates above indicated and identified himself to be the individual who signed this sheet. I understand that this statement will be accepted for purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date	Signature of Witness
WITNESS IDENTIFICATION INFORMATION: The following must be completed prior to filing with the board of election in order for this petition sheet to be valid.	
Town or City:	County:

C.D. _____

Sheet No.: _____

NYS LIBERTARIANS RUNNING FOR OFFICE THIS YEAR

This campaign is about Liberty. It's about you.

NYS Smoking Ban:

"This ban forces property owners to force social standards of behavior.

No bar or restaurant ever forced customers into their establishment. The customers entered voluntarily.

Non-smokers have always had the freedom to boycott smoking establishments. They didn't do it. Instead they chose to enlist the government to force others to bend to their will.

Eminent Domain: I am against the use of eminent domain laws used to confiscate private property,

Taxes: Taxes fund large government, reduce one and the other follows.

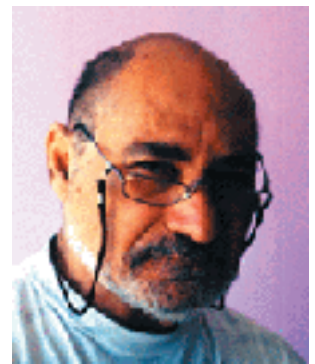
Education: Keep your kids away from public schools; home and private schooling is far better, and actually cheaper if compared to what state schools charge per student. We should not be forced to pay for government schools if we don't use them.

Visit: www.bennett4senate.org



Jeff Bennett

**2004 Libertarian
Party Candidate or NY
Senate, 38th District
(Rockland and part of
Orange Counties)**



Donald Silberger

Visit: www.SilbergerForSenator.org.

Donald Silberger * US Senate

- * Strongly opposes the war on drugs.
- * Strongly opposes the war in Iraq.
- * Strongly opposes the USA Patriot Act.
- * Supports the individual's right to keep and bear arms.
- * Calls for the full restoration of the Bill of Rights, which has been eroded by the drug war and other unnecessary wars that our government has waged.

Silberger asks, "Why does the United States of America incarcerate a larger percentage, and a larger number, of its citizens than any other nation on earth?"

By voting for him, New Yorkers can place their names in the column that represents limited government, lower taxes, opposition to endless wars, foreign and domestic. They can

**help send a signal to both major parties:
not with my vote you don't!**

Dr. Silberger is a Harvard graduate, has a PhD in mathematics and is now an Associate Professor of Mathematics at SUNY College at New Paltz.

Libertarian Party
www.silbergerforsenator.org

Please Send Contributions to Treasurer
Ira Margolis • PO Box 257 • New Paltz, NY 12561



Nic Leobold

2004 Libertarian candidate for New York State Assembly, 66th District, New York City

Phone: 212-228-9255

email: nleobold@msn.com

Visit: ny.lp.org/campaign/leobold-bio.htm



Sam Sloan

For US Congress in the 10th Congressional District of New York

My name is Sam Sloan.

I am the last non-lawyer ever to argue and win a case before the United States Supreme Court. See, SEC vs. Samuel H. Sloan, 436 US 103 (1978).

I support small government, low taxes, low spending.

I favor free enterprise. I oppose all economic regulation. I oppose rent control, rent stabilization, and the war on drugs. I am opposed to government surveillance of our Internet communications, detentions without trial, national guardsmen in the subways and police barricades around Police Plaza. Right now, the federal income tax brings in \$ 1.7 trillion, and yet we have deficit spending. This must be greatly reduced.

Visit: www.samsloan.com/candidates.htm

LIBERTARIAN FREEDOM COUNCIL PROVIDES NEW OPPORTUNITIES

*By Dr. Thomas Robert Stevens
Leadership Development Coordinator
& President of the LFC*

Some exciting new developments have been taking place with the Libertarian Freedom Council which I formed as an independent libertarian organization to help me keep track of and coordinate our contacts at high schools, colleges and graduate schools throughout New York State. New resources are available for our faculty and student contacts who are now able to benefit from the collective experience of libertarian students throughout the United States by participating as members of the National LP Youth Caucus (<http://groups.yahoo.com/group/LPYouthCaucus>) and Liberty Students (<http://groups.yahoo.com/group/LibertyStudents>) while maintaining their involvement with the Libertarian Freedom Council (<http://groups.yahoo.com/group/LibertarianFreedomCouncil>).

Although our student and faculty contacts will be able to obtain practical advice from these new resources, I will also need them to maintain their involvement with the LFC. To encourage them to do so, I have purchased the web address www.libertarianfreedomcouncil.org at which each student and faculty contact will be able to post their profile, photo and updates with respect to their school. They will also be able to access resources we will make available to them there. I have also expanded the membership of the Libertarian Freedom Council to include young professionals, students and entrepreneurs, and have re-written the purposes of the LFC to include not only the

coordination of our school contacts in New York State but also the goal of working to make the Libertarian Party a more viable political entity. In addition, the following new officership positions have been created: President, Executive Vice-President, Vice-President, Treasurer, Secretary, National Student Organization Liaison, New York State Campus Coordinator, Outreach Coordinator, Event Coordinator, Research Coordinator, Executive Assistants (5 positions), and Regional Coordinators (10 positions). Prominent young libertarians from throughout the country have already filled many of these positions. New York State appointees include Cal Ulmann of SUNY Purchase to the position of New York State Campus Coordinator, Joshua Michelman (the former Deputy Coordinator for Chapter Development), to the position of Executive Assistant, and Tyler Kushera to the position of Regional Coordinator for Region 2 that includes New York, New Jersey, Connecticut and Pennsylvania.

The future of the Libertarian Freedom Council is indeed bright. If you are a student, faculty member or employee of a high school, college or university in New York State and would like to be listed as one of our contacts or if you are interested in helping us petition to get our candidates on the ballot, please do not hesitate to either e-mail me at DrTomStevens@aol.com or to call me on my cell phone at 718-357-7075.

SOME LP MEMBERS SPEAK ON WHY THEY ARE LIBERTARIAN

My name is Dr. Timothy Woodcock. Last August I moved from Raleigh, North Carolina, to Alfred, NY, to teach at Alfred State College.

This is my first full-time teaching position. I have spent most of my career working in industry, 18 years at IBM, then 5 years at Sony- Ericsson. I graduated from Florida Atlantic University in beautiful downtown Boca-Raton, Florida. (Yes, I really would rather be living here in the snow country.)

I am a Libertarian. I have always been a Libertarian. In my formative years I did not know I was a Libertarian, so I told myself that I was a conservative. Economic freedom has always been very important to me. I used to argue about

the economy with my friends, never understanding why they could not see the truth so plainly in front of them, when in reality I did not understand it myself. Back in the early 80's an IBM manager handed me a copy of Milton Freedman's "Free To Choose", suggesting that I might enjoy reading it. What a difference you can make in someone's life by just handing them a book. Dr. Freedman was for me what Ayn Rand was for many others. This book set me off on a journey of discovery that led me to the Libertarian philosophy and an understanding of economic and personal freedom. I hope to be able to inspire similar journeys for others.

During my career, I often found myself taking on chal-

lenges that I had no clue how to accomplish. Now I find myself on familiar ground as a member of the Libertarian Freedom Council. I am going to sponsor a student chapter at Alfred and I do not have the slightest clue how to go about

doing this. Sounds like fun! Seriously, since this is a new environment for me, I am cautiously learning the political structure of the college. I would welcome suggestions for how to proceed.

What attracted me to the Libertarian Party was how simply it clarified its principles. I also love how consistently the principles are applied to every single issue.

One of my favorite examples was when I heard what the role of government should be in society. Did someone

Violate someone else's liberties? If the answer is "no" then the government should not get involved. It's such a simple concept that you can apply to any aspect of society - guns, drugs, taxes, healthcare, immigration, minimum wage, unemployment, affirmative action, racial profiling, prostitution, censorship, obesity, smoking - you name it. And it's so

simple that you can tell someone in just a few seconds. It's so specific that they can easily remember it later and mull it over.

That's the power of the Libertarian Party - it's so simple and clear. And, best of all, it's actually consistent. That's what sets it apart from the other parties and attracted me to it.

I think the principles should remain the same. Members can deviate from them, and that's fine. But the great thing is that it's very clear when members do deviate.

David Kachoui

What attracted me to the Libertarian Party was that it was the one and only collection of people I'd ever encountered who concurred with me that:

(1) the drug laws should be repealed and that

(2) citizen access to firearms should not be spider-webbed by foolish and/or harassing rules and threatening police agencies. I've lived my life rebelling against impositions by unprincipled power. But I didn't tie those rebellions together until I learned that there existed a political ideology which described my own value schemata. This is the encapsulation which the libertarian principle entails, and what you tell us pleases you about the party. I can understand your intellectual delight in its simplicity and clarity and obvious bedrock relevance. But my own initial delight with the party was more emotional. It was a sort of coming home: A recognition of ideas that had always been my own, and which had suddenly acquired a name and coterie of comrades.

My own initial pleasure was emotional rather than rational. For me, the libertarian principle is obvious and natural. I did not thrill to its enunciation. For, it is the old Platinum Rule, which is the more practicable variant of the Golden Rule.

The Platinum Rule goes like this:

Don't do to other people what you don't want others to do to you.

Keep your laws off my body, my property, my freedom of motion and of unpunished peaceful transaction.

Instead of intellectual pleasure, what struck me, David, was the surge of adrenalin that comes from discovering people who see this obvious logical relationship where the sheeplike majority find it comforting and convenient to ignore the relationship. The Libertarian Party was a delightful pool into which my personal rage could highdive.

Donald Silberger

The Libertarian Party **IS** the Party of Principle. Remove Principle from the Party and remove the party.

Most of the allure of libertarianism rests on its principle, and strictness on following the principle.

Liberty is an idea **FOUNDED** upon principle. That given, in the past, as my political views were still forming, in a few cases I came off as slightly offended by LP materials. While

nowadays, that isn't true at all, as I am even more rabid than lots of LP publications, this still might be something to think about when making libertarianism palatable to people.

However, this should definitely be done without watering down any libertarian principle, as libertarianism without principle is a vacuum of meaninglessness.

Dylan Lainhart

The more I learn about politics, the firmer my belief in Libertarianism becomes. I am very excited about the opportunities that are ahead of me, and for my boyfriend, who intends to be a senator someday (he's the one who

turned me on to libertarianism).

If there is anything I can do around the city (aside from the campus) to get activity going here, please let me know, as I am new at all of this. Thanks, Kimberly Gehl

NYLP CHAPTER-BY-CHAPTER ACTIVITIES

A SUMMARY OF ACTIVITIES, DEVELOPMENTS AND PROGRESSES MADE BY THE NYLP CHAPTERS AND THEIR CONTACTS, AS REPORTED TO FREENY BY THE CHAPTER'S THEMSELVES. SEE OTHER ACTIVITIES DETAILED IN ANNOUNCEMENTS SECTION THAT ARE TOO VOLUMINOUS TO REPRODUCE HERE. IF YOU ARE (OR WILL BE) A LIBERTARIAN AND YOUR PART OF THE STATE IS NOT REPRESENTED YET, CALL (516)SOS-GOVT TO GET HELP TO SET ONE UP.

Capital District

1marketsquare.com/CapLP/Main.shtml

Albany and Vicinity

Jeff Russell, JRuss1776@aol.com

518-371-3641

The Capital District Libertarian Party meets the 2nd Tuesday of each month at the Branch Restaurant on Maiden Lane in Albany. Meetings start at 6 PM and usually last about an hour. There are about 50 members of national who live within an hour's drive of Albany. About 10 of them are fairly active, but only 4-5 attend meetings.

Central New York

Onondaga, Oswego, Madison, Cortland

Kevin Delaney, kdzrd@aol.com

Please contact for info and meetings schedule

Western New York

(Includes Allegany, Chautauqua, Wyoming, Cattaraugus Counties)

John Wadsworth jlwads@verizon.net

Buffalo, NY

716-886-1919

There are fairly regular meetings in Buffalo at this point--please contact John Wadsworth in Buffalo if you'd like to get involved.

Please contact him to be put on his email list.

Hudson Valley

(Includes Dutchess, Orange, and Ulster Counties)

Don Silberger, DonSilberger@hvc.rr.com

845-255-8819

Peter Carl

845-679-8340

P.O. Box 66, Lake Hill, NY 12448

Gary Treistman, garyonthenet@yahoo.com

845-679-4770

POB 563, Bearsville, NY 12409

Meets "religiously" on the first Tuesday of each month at 7:00 PM at the College Diner in New Paltz, one block east of the thruway exit on route 299. We love good conversation, and discuss/plan activist goals at our meetings.

Kings County (a.k.a. Brooklyn)

Gary Popkin, gary_popkin@hotmail.com

Although not yet a full-fledged chapter Mr. Popkin is its Temporary County Chair, and designated contact.

Libertarian Party of Monroe County

www.RochesterLP.org

(Includes Genesee, Orleans, Wayne, Livingston, and Ontario counties)

Steve Healey, easterof1916@runbox.com

Andy Demers, andy@genesystems.com

Andy Demer was recently appointed as chapter representative. The chapter had its annual convention in February, see Announcements for details.

The chapter's monthly meeting schedule is being rearranged, please contact us for the latest meeting times.

Call 585-529-9354 or visit www.rochesterLP.org.

New York County (a.k.a. Manhattan)

www.manhattanlp.org

Jim Lesczynski: info@manhattanlp.org

Manhattan Libertarian Party

(212) 252-3449

18 Greenwich Avenue

Box 127

New York, NY 10011

The Manhattan LP continues to meet on the second Wednesday of every month, but we now have a new location at 6pm: 939 Eighth Ave. between 55th and 56th Streets Studio 3A.

Last chapter meeting were was on Wednesday, July 14, 2004, guest speakers: Jak Karako and Jim Lesczynski debating "Should Libertarian candidates accept matching funds?" Chapter business session: 6:30 p.m. Guest speakers: 7:30 p.m. Complimentary pizza, soda and beer! Suggested donation: \$10 for members, \$20 for non-members

Nassau County Libertarian Party

Vincent O'Neill

516-676-8029

Meets in the downstairs conference room at 230 Hilton Avenue, Hempstead, at 8:00 PM on the third Tuesday of each month. Also see Announcements for other events.

Libertarian Party of Queens County

www.lpqc.org

info: (718) 707-1421

Meetings are held on the 2nd Saturday of each month, from 10:30 am to 12:30 pm, at Bohemian Hall, 29-19 24th Avenue, Astoria, Queens (Subway: one block north of the Astoria Boulevard N train station, just west of 31st Street.)

Suffolk County

Barry Loberfeld, BLoberfe@suffolk.lib.ny.us

516-543-3510

Contact Barry for meeting times and location.

Southern Tier Libertarians

(Includes Cortland, Chemung, Broome, Otsego, Schuyler, Tioga, and Tompkins Counties)

Michael Lurie, mlurie@control.com

607-797-7162

COLUMBIA LAW SCHOOL LIBERTARIANS

COLUMBIA LAW SCHOOL

COLUMBIA UNIVERSITY

Contact: Damian Najman (Co-Chair)

ddn2005@columbia.edu

MAILMAN SCHOOL OF PUBLIC HEALTH

COLUMBIA UNIVERSITY

Contact: Adam Scavone

as2491@columbia.edu

Adam is a graduate student in the Department of Sociomedical Sciences at the Mailman School of Public Health at Columbia University. He has been focused on drug reform and has been active with Columbia's Students for Sensible Drug Policy.

COLLEGE LIBERTARIANS OF CORNELL UNIVERSITY

CORNELL UNIVERSITY

Contact: Curry Taylor

ctaylo12@twcny.rr.com

In the process of obtaining formal recognition from the school; Dr. Jonathan Macey has agreed to be Faculty Advisor.

CUNY BARUCH COLLEGE

Contact: Kimberly D. Bloomston

iamkimoo@hotmail.com

Trying to organize a chapter there. Any help would be appreciated.

ELMIRA COLLEGE

Contact: Dr. Bryan C. McCannon

Assistant Professor of Economics

bcmccannon@yahoo.com

Has agreed to be our contact and to be Faculty Advisor to any chapter forming at that school

FORDHAM UNIVERSITY

Contact: Salvatore "Sam" Russo

srusso@fordham.edu

Mr. Russo is a student at Fordham School of Law which is located at Fordham University, Lincoln Center Campus.

ITHACA COLLEGE

Contact: Prof. Kim Gregson

Rm 328 Park Hall

Park School of Communications

Ithaca College

Ithaca, NY 14850

607-274-7348

kgregson@ithaca.edu

I teach in the Radio-TV department

MAINE-ENDWELL SENIOR HIGH SCHOOL

Endwell, New York (Broome County)

Contact: Dylan Thomas Lainhart

masterdlx@stny.rr.com

This school is located in Endwell, New York in Broome County. Mr. Lainhart is a Senior who is a Libertarian eager to get involved with our outreach efforts.

NEW YORK CITY COLLEGE OF TECHNOLOGY

Contact: Prof. Gary Popkin

College/School Chapters and Contacts:**A note from the LPNY College Outreach Coordinator:**

If you work or go to school at a college or university in New York State and would like to be a designated contact for the Libertarian Party, I would appreciate your contacting me at the E-Mail address noted below.

Perhaps you are a professor who would be willing to serve as an Advisor to a College Libertarian chapter. Perhaps you are a student who is interested in leading a Libertarian Freedom Coalition, an alliance of students who agree with us on a broad range of issues.

Perhaps you are someone who would be willing to put up a notice seeking to identify students who would agree to serve as officers of a Libertarian Party organization at your school.

If you can help out in any capacity, please let me know.

Dr. Thomas Robert Stevens

LPNY College Outreach Coordinator

YRSpartan@aol.com

The following are confirmed contacts for high school, college and university chapters of the Libertarian Party in New York State:

ALFRED STATE COLLEGE

Contact: Dr. Timothy Woodcock

De4tw@aol.com

Woodcot@alfredstate.edu

585-610-0149

AVOCA CENTRAL SCHOOL

Avoca, New York (Steuben County)

Contact: Luke Slayton

lts20stl@hotmail.com

COLUMBIA COLLEGE LIBERTARIANS

COLUMBIA UNIVERSITY

Contact: Will Thomas (President)

wrt2003@columbia.edu

Damian Najman (Vice-President)

ddn2005@columbia.edu

libertarians@columbia.edu

Website: www.columbia.edu/cu/libertarians

On 3/31/04, hosted June Arunga, Director of Youth Affairs at a free-market think tank in Kenya, for a lecture on globalization in Africa and a screening of her BBC documentary "The Devil's Footpath.". Presentation was free and open to the public.

gary_popkin@hotmail.com

Professor of Computer Systems Technology

Prof. Popkin has agreed to be our contact and to be Faculty Advisor to a chapter organizing at that school.

NEW YORK UNIVERSITY

Contact: Michael Robert Miller
mikemillernyc@hotmail.com

ROCHESTER INSTITUTE OF TECHNOLOGY

Contact: Dawn Pepin
dap6401@rit.edu

Dawn Pepin is currently trying to find other interested students in order to organize a chapter at her school.

STUYVESANT HIGH SCHOOL

Contact: Daniel Fried
daniel@phallacy.net

Daniel Fried is concentrating on identifying students at his school who may be interested in remaining active after he graduates.

SUNY BINGHAMTON

Contact: Prof. Charles Goodman
Assistant Professor of Philosophy and AAAS

Binghamton University

Office Phone: (607) 777-2610
cgoodman@binghamton.edu

THE COLLEGE LIBERTARIANS OF BROCKPORT SUNY BROCKPORT

Contact: Adam Chamberlain
kangol@novocon.net
acha0102@brockport.edu
585-395-4665

SUNY BUFFALO

Contact: Don Stillwagon
dfs8@buffalo.edu
716-645-4475

Don Stillwagon is a Freshman who is currently in the process of organizing a chapter at this school. He would welcome any advice and suggestions you may have to offer.

COLLEGE LIBERTARIANS OF SUNY FREDONIA SUNY FREDONIA

Contact: Aaron Stadler (President)

Held a showing on a large projector of the film "Grass" by Ron Mann, a documentary on the failed war on marijuana, on 4/14/04. A speech prior to the film was given, talking about how the Democrats and Republicans will continue spending billions on this failed policy. About 50 people showed up at the event.

On 4/19, held a debate between all the parties. Greens, Democrats, Republicans, and Libertarians. Health care, social security, Iraq war, Drug War, Gay Rights, Taxes, and Trade were some of the topics. About 20 observers were present.

SUNY NEW PALTZ

Contact: Prof. Don Silberger

donsilberger@hvc.rr.com

Prof. Silberger, who is an Associate Professor of Mathematics and the Director of the M.A. Program in Mathematics, and serves as Faculty Advisor to any college libertarian group which seeks to form at this school.

SUNY PURCHASE COLLEGE

Contact: Cal Ulmann
ulmann3@yahoo.com
Cell Phone: 914-299-1257
Cal is a new contact identified at the LPNY State Convention held on April 24, 2004.

SYRACUSE UNIVERSITY

Contact: Kimberly Gehl
Day Hall Box 158
Mount Olympus Drive
Syracuse, NY 13210
kgehl@syr.edu

Kimberly Gehl is looking for interested Libertarian students at her school and hopes to form a chapter in the fall. She is a Freshman and is scheduled to graduate in 2007.

TRINITY HIGH SCHOOL

Contact: Devin D. Gould
theuncensored@aol.com
646-391-3264

Devin is a new contact identified at the LPNY State Convention held on April 24, 2004.

UR LIBERTARIANS UNIVERSITY OF ROCHESTER

Contact: Eric Miller
Sophomore, Economics Major
CPU Box 276577
River Campus
Rochester, NY 14627

em003m@mail.rochester.edu

Eric Miller is planning on holding meetings on campus every Wednesday.

Laughter in Uniform

My new job assignment was to work in UNICOR after having worked Food-Service for 3 years. Everyone told me how much money you could make at it if you put in the hours, with overtime, seniority and bonuses, up to \$90.00 a week if you worked 12 hours a day, so I thought I would give it a shot.

I withstood it for week, but I found myself with cramped hands and my once-dislocated shoulder started acting up. Then when the standard quotas started rising, I was in so much physical pain, I got a pass to go to the infirmary one morning to get checked out, and hopefully get a medical waiver to get out of UNICOR.

However the waiting time and exam went past the first work call of the day, and I was stuck in the building until the next move call. But when I made it to the job, I was instantly given a ticket for being out of bounds and put into SHU. I explained it wasn't my fault, that I had a pass to the infirmary, and it was the infirmary that kept me over the first move, but they didn't care.

I sat in SHU for the next two days, until a disciplinary hearing was scheduled, where I once again explained the situation to the DHO, but he still found me guilty of being out of bounds, a level 4 offense.

I worried over what penalty I would get, and when the findings of the DHO were handed to me in an envelope, I opened it up to find out what my penalty was - expulsion from UNICOR! (Submitted by Greg Smith)

SOME GOOD NEWS TO LEAP ABOUT!

By John A. Gayder, Founding Secretary, Law Enforcement Against Prohibition

Although readers of Free NY need no explanation of the many ways in which the war on drugs has actually made the problems associated to drug abuse worse and bored huge holes into the Bill of Rights while doing so, I can't resist throwing out two NY State anecdotes to help set the tone of this article.

Back in 1978 a colleague of mine named Jack A. Cole was working for the New Jersey State Police. He participated in a joint forces drug bust in NYC that netted 19 pounds of drugs and \$350K in cash. At the time it was the biggest seizure of Mexican Brown Heroin in US history. The story about the bust was on the front page of local and state papers for days. Fast forward 16 years later to 1994 and we find a lonely picture on page 23 of the NY Times showing Customs and DEA agents loading 4,800 pounds of seized cocaine onto a truck. Below the picture is a simple, two-line caption describing the bust in the same detail I gave in the previous sentence. No front page story – in fact no story at all. White powder seizures of this size had become commonplace despite spending millions of tax dollars and countless risks and losses to police and the communities they serve.

The waste, loss of freedom and inability to keep drugs out of America continues to this day. Last year, a bale of cannabis washed up on the shore of the Niagara River. The river forms the international border with Canada along the Buffalo/Niagara frontier. Stories of finding bales of cannabis washed up on shore first started 30 years ago when it occurred only on the infamous Florida peninsula. Now it is happening in your state. The war on drugs is not working.

When fighting for freedom and common sense it is easy to get discouraged. Everywhere we look it seems that the circle within which free people are supposed to be safe from interference by well intentioned "helpers" is shrinking. With the exception of the above New York anecdotes, I won't perpetuate bad morale by regaling you any more bad news about increased powers of search and seizure, or about the amount of your own tax money being used to keep you safe from yourself, or how bad drug abuse continues to get. Instead, I bring you what I think should be genuine good news. Something to make you smile, and to show you that activism can, and does work – not always immediately, but it works. Unfortunately, what I have to tell you will also sound a bit

like a commercial.

Law Enforcement Against Prohibition (LEAP) is an international organization made up of current and former members of law enforcement who believe the war on drugs is wrong and are speaking out about it, too.

The idea for LEAP originated with Peter Christ, a retired police captain from Tonawanda now living in Syracuse. Peter believed that an organization modeled after "Vietnam Veterans Against the War" would both catch the attention of the media and ring true to many other drug warriors who are questioning current U.S. drug policies. In 1998, Peter worked with Mark Greer, Director of DrugSense, to create an email listserv for current and former police officers interested in changing drug policy. Peter was joined in that endeavor by Jack Cole (mentioned above), a retired New Jersey state police lieutenant living in Massachusetts. At the beginning of 2002 Peter and Jack enlisted the help of myself and two other former police officers. Together we became the founding members and directors of LEAP. Since then we have been joined by several other officers.

To date we have spoken at hundreds of venues large and small including universities and colleges, civic, business, benevolent, and religious associations, and at public events. We have testified before government legislators in favor of drug-policy-reform bills and written countless articles for newspapers and periodicals on drug-policy reform. We have been on radio and TV. DARE officers challenge us to public debates but then back out after reading our website. We shame them into showing up and then philosophically kick their ass. Our law enforcement and civilian membership continues to grow.

In activism, progress is sometimes hard to find, but without the past consciousness raising efforts like those of the Libertarian Party – I would not have had the encouragement to speak out against the drug war, help start LEAP, nor would my opportunity to write here today ever have occurred. LEAP's appearance in the arena of debate represents real progress in the quest for reform – and libertarians can pat themselves on the back for helping to make it possible.

John A. Gayder is a currently serving police officer in Niagara Falls, Ontario. Visit the LEAP website at www.leap.cc

LIBERTARIANISM: POLITICAL PHILOSOPHY OR CULT RELIGION?

By Jacob Halbrooks

An individual once called in to self-described libertarian Jay Severin's radio talk show and proclaimed that libertarianism is a failure.

According to the caller, libertarianism has failed not as a result of failed libertarian policies but because "the people" have not embraced it, and so according to its own free-market philosophy libertarianism is like Coke II; no one wants it.

There are obvious problems with drawing parallels between the market and the realm of government, where one operates through voluntary agreements and the other through force, but the caller's next statement was especially interesting. Elaborating on how

the problem is not a failure of being exposed to libertarian ideas, he stated that one can hardly walk on a college campus without being approached by a scientology-like libertarian cult member. Unfortunately, he might not have missed the mark too far with his portrayal of many libertarians. The intellectual rigor and devotion to principles that libertarians hold themselves to certainly gives the movement direction and cohesion, but it might also be an obstacle when trying to spread the ideas to others.

One element that certainly does not help the cult image of libertarians is that one of the leading libertarians is writer L. Neil Smith, whose practice of implanting his science fiction novels with

philosophy conjures up similar practices by another science fiction writer, L. Ron Hubbard. In fact, many libertarians write and enjoy science fiction, and there are even groups dedicated to it such as the Libertarian Futurist Society. Such an interest in science fiction begs the question as to whether libertarians are waiting for the mothership to come down and usher in the new era of liberty and whether libertarianism can be a practical philosophy without talking apes, alternate universes, and space travel. Although the world of libertarian science fiction is unknown to most people, it remains an interesting dynamic in how some libertarians apply their philosophy to their lives.

Since libertarianism is a philosophy that applies not just to the government but to human interaction in general, living one's life by it can seem to others to be a sort of religious obsession and plain weird.

One trap that libertarians often fall into is in substituting libertarian principles for a personal moral code. In a hypothetical situation where you have a wealth of food and your neighbor is about to die from starvation, the libertarian philosophy states nothing about whether it would be morally correct to give some food to the starving person. It states only that it would be improper for the neighbor or anyone else to force you to give food to your neighbor. Some libertarians might say it would be morally incorrect for one person to force you to give the food, but this depends on how one derives libertarian principles: through natural rights, economics, or ethics.

Libertarians derive their public image as cultists primarily when they do attempt to take libertarianism beyond what it is, a general guideline for appropriate action, and make it a moral code that dictates what the right thing to do is in any situation. Perhaps the toughest question a libertarian can field is what would happen to the poor in a libertarian society. The libertarian moralist may respond by saying that it is not right to force anyone to give any-

thing to the poor, but it would be a better response to illustrate how morality and government would be completely separated.

In the libertarian world, people would be free to help others out to the extent that they choose and one could support any charity he wishes. Libertarians often fall further into the morality trap when they proclaim that any action that is not forbidden by libertarian principles to be a moral action. In doing so, some libertarians try to justify actions that most people would consider immoral, such as dealing drugs. The libertarian principle would be that consenting individuals may trade their property as they wish, but this does not mean that trying to get people addicted to your product is morally correct conduct. The libertarian moralist would here say that because no one is being forced to do anything, there is nothing wrong with it. In response to how drug dealers would be handled in a libertarian society, a better answer would be to point out that individuals would be free to prohibit drug dealing on their property and would also be free to contribute to organizations dedicated to stopping drug use. As it stands now, most drug dealing occurs on government-owned property, be it streets or project housing.

It is important to remember that most people receive their exposure to libertarian ideas through direct contact with libertarians and not by deciding one day to read books by Murray Rothbard.

If those libertarians continue to substitute libertarianism for a personal moral code, then people will be turned off by the philosophy that they perceive is ruthless toward more unfortunate people and rationalizes drug dealing as all right. Instead, libertarians must show how the libertarian model allows individuals the freedom to pursue their own interests and live their lives according to their own moral code and not how someone else believes they should live.

For more writings, visit: www.geocities.com/libertarian_press

Supreme Court gets it right, cont'd from Page 10

consider in passing sentence, no matter how incidental - and considering that most judges were once prosecutors themselves (are there any defense attorneys that make it to appointed judgeships?), One can only guess where their neutrality lies.

Since many sentences are a function of the alleged extent of the crime (e.g., drugs quantity, fraud, embezzlement proceeds), imaginary quantities of drugs, or phantom illegal cash proceeds nominally appear on the flimsiest allegations, nowhere to be seen in reality, yet translate in very real years in prison.

Although it is understood that guilty persons should be punished for their crimes (against identifiable victims), the punishment should be based upon actual provable facts, not the whim and fancy of court actors seeking brownie points.

Furthermore, this method of punishing the guilty flies directly in the face of Constitutional 6th Amendment guarantees against criminal punishment without a jury verdict. The founding fathers of our country knew that checks and balances were necessary to restrain our government from solely acting as judge, jury and jailers; they put into the criminal procedure the Constitutional guarantee that the people at large would always have an integral say as to whether a person could be deprived of his freedoms and

properties. Thus the constitutional requirement that jury find a person guilty before the government can have its way with him.

But by severing the guilt determining phase from the punishment determining phase of the criminal proceedings, the legislatures have cleverly posited the effective determination of both guilt and punishment into the hands of the government.

Yes, although it fortunately does still take a threshold jury verdict to submit a criminal defendant to sentencing, that permission then lets a judge enhance the punishment on things, and by standards of proof, that the jury never heard, nor likely would have considered reliably pertinent to the crime. This coerces a defendant even more to plead guilty.

So, as an example, if the jury finds a person guilty, on the evidence of selling a single leaf of marihuana, a judge can subsequently find that person responsible for selling 100 kilos, based on the hearsay testimony of neighbors who hear gossip around town, or a slip of paper found with the number 100 on it.

With the line of cases, Apprendi v. NJ, Jones v. US, Ring v. Arizona, and now Blakely v. Washington, the Supreme Court has given notice to both the lower courts and the legislatures that any fact that serves to enhance or even just set a criminal defendant's sentence, must be considered

an element of the crime charged, and to be found to be true by a jury, beyond a reasonable doubt.

There will no doubt be a rush to revamp the entire criminal proceedings process, as now the jury must pass on any particular aggravating factor, or quantifiable extent of the charged crime, and the indictment must charge the specifics of the extent of the alleged crime.

It is a sure bet, lower courts across the nation are all running around like chickens without heads trying to assess the decision and conform their criminal processing procedures to this radically new standard; there will be an uproar from prosecutors and judges across the nation, who now have such power stripped from their purview, and have it taken over by persons not a member of their guild. They are also most likely amping up for the expected deluge of prisoner post-conviction petitions expected in the wake of Blakely. Although one would think that a constitutional right recognized now, was just as valid yesterday, time will tell as to how the lower courts will try to weasel out of applying this decision retroactively.

The fact is, this is an amazingly anti-statist position for the Supreme Court to take, for it transfers power and discretion back to the people from centralized government forces and decision makers in the trial courts, and above all returns due process from the melee circus of sentencing hearings back to reality and demands of physical proof.

Freedom of speech over the Internet.

In a land that supposedly prides itself on the right to free speech, it is surprising how many forces there are here that would love to set us back to the more puritan social settings of the Victorian age, or perhaps even further back than then, like say the days of the Inquisition. Those same forces would never admit it of course and extol the greatness of American rights to free speech, but with a modern spin: "Sure you can have free speech, you can speak free about anything that we will let you speak about".

Such it has been throughout most of history, the powers in charge simply don't want people thinking "impure" or heretical thoughts, or experimenting with perspectives that might lead to social change (or even personal altered states), whether political, religious or moralistic; thus were spawned the pagan pogroms of the 1500's, book burning of the fascist regimes, the sedition laws enacted in the early 1900's, the communist witch hunts of the 50's. All attempts to maintain a particular mindset and paradigm of social life against the natural tendency of the human mind to explore new perspectives.

In modern times, we value our right to see, say or convey anything we feel like, even though there are numerous federal agencies that regulate and forbid the content in various respective media, such as the "seven forbidden words", explicit sexual images, or even drug usage.

However, interestingly enough, there is a medium, a virtual frontier of informational freedom that has been permitted to thrive, with very little regulation in most western countries, the Internet.

Of course the Internet is an international phenomena, crossing social mores and official censorship laws across the

world, making all the more difficult to impose any practical enforcement on what people can and will see/hear through that medium. Even in fundamentally totalitarian countries, enforcement has been difficult, as citizens of even those countries have found ways around any automated firewall attempting to limit what they can see and hear, e.g., see Elgoog, usage of anonymous proxy internet re-servers, client/server tunneled encryption techniques, internet satellite providers, etc.

Despite this, and perhaps because of it as well, not content to merely share their unease with the public, the thought control forces in America have repeatedly targeted our right to access the Internet by preemptively illegalizing dissemination (and consequently the reception) of certain thoughts and images that they disapprove of.

Of course knowing that simply outlawing certain types of images and text would be rejected outright by both the people and the courts on review, such interests have carefully couched the targets of their disapproval into more politically unassailable wrappings.

Like many a surviving censorship rule today, the main target of the regulated activity is hidden by misdirection, and instead of simply saying "You can't look at these pictures, or read about that activity", the authors sell the thing using the impenetrable battle cry "But what of The Children? We must protect The Children. The Children are at risk from <fill in blank>", knowing that no matter how much one may object - "how can you disregard The Children? Are you a cold heartless, unfeeling monster, or what?"

By using such emotional logic, almost anything can be justified as needing government regulation. And it's an angle that hasn't been fully played out yet, i.e., expect more arbitrary government control to come justified by this compartmentalized hysteria, perhaps only until public awareness becomes savvy enough to see it for what it is.

However, despite such forces in control of our executive and legislative branches, it is pleasantly surprising to note that the judiciary casts a far more skeptical eye on these efforts to corral and limit the free expression of the Internet.

In 1996, Congress enacted the so-called Communications Decency Act (CDA) and the Child Pornography Prevention Act (CPPA), criminal statutes designed (a la Republic of China style) to criminalize virtually any risque commentary on the Internet (e.g., "filthy, lewd, lascivious or indecent", "patently offensive"), all under the aegis of "protecting the children" (see commentary on the statue at www.well.com/user/ivanski/analysis.html and www.well.com/user/ivanski/democracy.html). However the Supreme Court in ACLU v. Reno, and Ashcroft v. Free Speech Coalition, struck down these statutes as an unconstitutional infringement on free speech.

Not quite getting the message, Congress promptly re-enacted a similar statute called the Child On-line Protection Act (COPA). In CDA-the-sequel, lawmakers attempted to make the new statute appear more constrained and more explicitly directed at protecting The Children. However, despite the Act's title, and lip-service paid to artistic expression, the language still was ambiguous enough to be applied to similar circumstances and be misused/applied far

beyond the terms its title implies.

In the recent case *Ashcroft v. ACLU*, the Government appealed the case, in the intra case proceedings, on the question of whether the standing injunction against its enforcement should remain in effect during the proceedings in the 3rd Circuit; the Supreme Court held its ground, and with little kowtowing, ruled that the revised version of CDA, COPA, still likely did not meet constitutional guarantees protecting the expression of free speech on the Internet, and remanded the case, the Supreme Court affirmed the injunction, stating that:

“Content-based prohibitions, enforced by severe criminal penalties, have the constant potential to be a repressive force in the lives and thoughts of a free people. To guard against that threat the Constitution demands that content-based restrictions on speech be presumed invalid, and that the Government bear the burden of showing their constitutionality. This is true even

when Congress twice has attempted to find a constitutional means to restrict, and punish, the speech in question.”

Surprisingly anti-statist as well, at least the statist mentality that is in currently in power in the White House, the Supreme Court has rebuffed repeated attempts to regulate what people can say to each other on the Internet.

Conclusion

In these latter days of encroaching statist/socialist mandates on our everyday lives, it is refreshing to see the highest court in the land sometimes still ruling to protect our individual freedoms.

Witnessing the few notable nuggets of reason and libertarian leaning rulings still issuing from the Supreme Court, particularly so many in one term, it gives hope that there are at least some libertarian memes still surviving in the harsh, often expedient, judicial branch, and at least stems the tide of the erosion of our individual liberties.

Article by Gary Treistman

RATIONAL RECREATION

ANGUISH LANGUAGE

The object of the Anguish Language challenge is to read the seemingly nonsensical stream-of-consciousness poem written below, and decipher the underlying quotation, saying or exposition that it actually represents. The rules by which it is correlates to the underlying message, are that the words you read in the poem are phonetically similar in enunciation to the original message, although not always exactly so.

For example, as a simple start:

“Gamma Way”, when stated aloud, actually sounds like “Get out of my way”, or:

Needles Toes Hay”, translates to “Needless to say”

Now lets try a slightly more complicated one for you to solve on your own:

“Aye yum aerial doe mass.”

(Didja get it? Do you think its true?)

And now here's the real heavy duty challenge:

§

Them host boot awful think Wiccan axe peer rinse ease them master reuse. Tease this oars awful chew heart ants signs. Heat tome thaw same motions estrange rook canola auger pas toe wander ants tend wrapped tin all, Azores could az stead. Haze ice arc lost.

§

(Hint: This is an observation by a famous professor)

Last Issue's Challenge was not won; the answer's text of which was:

“The concept of military necessity is seductively broad, and has a dangerous plasticity. Because they invariably have the visage of overriding importance, there is always a temptation to invoke security “necessities” to justify an encroachment upon civil liberties. For that reason, the military-security argument must be approached with a healthy skepticism.”

Justice William J. Brennan

(Send all comments and/or solutions to FreeNY@hvc.rr.com, or by mail at the Editor's contact address; there is a \$15 prize for the first correct answer before Oct 1, 2004, email or postmark date. A past issue winner is not eligible for a prize in an adjacent issue, but is eligible for the second issue after that.)

ILPNY is looking for people to get things done. Interested?

Yes! I want to get things done and make things happen in the following area(s):

Be a LP candidate for elected office in my area.

Work in behalf of a LP candidate for elected office in my area.

Work on an LPNY Committee project or task.

Collect petition signatures to get LP candidates onto the ballot.

Contribute money to pay for other people to collect petition signatures.

Other:

Here are some skills or areas of interest I want to tell you about.

Name

Address

City State Zip

Home Phone Work Phone

E-mail address

Send to:

Libertarian Party of New York

P.O. Box 728

Bellport, NY 11713

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of New York
P.O. Box 728
Bellport, NY 11713

