

LIBERTY PLEDGE

NEWSLETTER

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January 2015

Repeal laws that violate our constitutional, human rights

By Judge Jim Gray (Ret.)
From *Los Angeles Daily Journal*
Published on January 2, 2015

Millions of people all around the world still love America — and Americans. They may not always be wild about some of the actions our government takes, but many of us here are not either. But what is it that makes our country so special — even exceptional? The soul of our great country is our liberty and our freedoms. And today our very soul is under attack by our own government.

As legal professionals, we cannot allow this to continue.

The temptation to deprive people of their liberties in the name of their own security goes back throughout history to Ancient Greece and before. The Founding Fathers of our country (and Mothers, because women like Abigail Adams must be included) were keenly aware of this tradeoff. This caused them to try to combat it by drafting our Constitution and Bill of Rights, so our country would be a bastion of individual freedom from government encroachment. Tragically those protections have been eroded substantially since that time — mostly by keeping our country in a constant state of war.

James Madison's warned us that "No nation can preserve its freedom in the midst of continual warfare ... If tyranny and oppression come to this land, it will be in the guise of fighting a foreign power." We should keep his warnings forefront in our minds, because that is what we are now facing.

The justifications for the main present attacks upon our liberty by our government come from several statutes passed by Congress in the name of keeping us safe, with the largest impetus being from the so-called War on Terror. In its name Congress passed the National Defense Authorization Act, which allows our government to detain (i.e., arrest) any of us, citizens or not, and hold us indefinitely without charges or a trial, merely by the executive department labeling us as suspected terrorists. This statute has turned our traditional concept of due process on its head.

The same rationale was also used for Congress to pass the so-called PATRIOT Act, which has been used to justify government snooping upon our private telephone calls, email messages, and bank records. That same legislation was also used to justify the torture (often labeled as "enhanced

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interrogation") of people in our custody. And yes, that includes waterboarding. Did you ever think that our country would even debate whether we should waterboard someone in our custody? Acts like these were seen by George Washington as such a blight upon the honor of our country that he threatened death during the Revolutionary War to any of our troops who mistreated British prisoners of war.

When it comes down to it, there probably is no power more complete than the ability to torture captive human beings, or more despicable. So these laws must be repealed. Why? Because we are better than this. Sen. John McCain, who was tortured continually while being held captive in North Vietnam, put it best when he said torture "compromises that which most distinguishes us from our enemies." And our country officially recognized this reality in the 1980s when we joined most of the civilized world in signing a treaty committing us to refrain from torture under any circumstances, and to prosecute any of us that did so.

An additional reason to repeal these laws is practical. The goal of most terrorist organizations is to show the world that, contrary to its preaching, the government of the United States of America is no better than any other. So every time our government acts to violate anyone's human or constitutional rights, it is helping the terrorists to achieve their goal.

The same analysis and reality should keep our government from killing people with missiles launched from drones. This is not only a violation of our principles,

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Libertarians stand for those oppressed

By Joshua Katz

From the *Middletown Press* (and five other newspapers)
Published on December 23, 2014

From Ferguson to New York to Guantanamo Bay, we have witnessed systematic brutality, oppression and murder by our government. We have also witnessed the complete unwillingness of the government to hold itself accountable.

Defenders of big government have, predictably, stepped forward to criticize, not the horrific acts of our government, but efforts to bring wrongdoing to light. It is claimed that revelations of torture committed by our government put Americans at risk; that risk was created when our leaders allowed this uncivilized behavior to take place in the first place.

These acts of brutality and lack of accountability are the result of far too many years of two-party rule. The recent report, for example, revealed a program of torture carried out by Bush administration officials. A Democratic administration attempted to delay its revelation and indicated that it will not seek any prosecutions.

In response to systematic racism and murder by police departments, the White House has come up with a

committee to study, not how to hold murderers accountable, but why the minority population does not trust the police.

Perhaps it is because the police carry out acts of murder, cover up for fellow officers who have committed horrific acts, and face no penalty for their actions.

The only way we will begin to clean this up is by breaking the two-party duopoly. The Libertarian Party stands with the oppressed, speaks for those who society cannot hear, and offers hope for those who have given up any belief that the world can improve. A vote for a Libertarian is a vote against allowing the murderer of Eric Garner to go free, a vote against the warfare state, and a vote against torture.

Wherever a person is brutalized or killed by government, we are with them. Wherever people protest against unjust institutions and systematic racism, we are with them. Now I ask you to stand with us and help us to fight these depredations.

Joshua Katz

Westbrook Justice of the Peace

Region 8 Alternate, Libertarian National Committee

Chair, Libertarian Party of Connecticut

Planning Commissioner (L), Westbrook

Repeal unconstitutional laws

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but, at least in countries like Pakistan and the Sudan where we don't even claim we are at war, is probably also a violation of international law. And besides, just like with torture, it probably doesn't work. Put yourself in the place of a son or brother of someone killed by one of our drones, you would probably vow revenge. We are almost surely recruiting more terrorists than we are killing.

Without a doubt radical groups in the world today are doing monstrous things to innocent people, like shooting students in their schools, bombing devout people while in prayer, and kidnapping and executing women and children. But the scenario that there is a "ticking time bomb" about to explode, and the only way to keep innocent people from being killed is to torture the information out

of a terrorist, basically only happens in Hollywood. Furthermore, as if we needed any other reason but the moral one, tortured information is typically unreliable.

There is also another important reason for repeal: Requiring government agents to procure a judicial warrant based upon probable cause will not compromise our security. Federal judges are fully as concerned about terrorist threats as the rest of us are, and they will surely sign arrest and search warrants as the circumstances and the law allow to enable government agents to keep us safe. But enforcing the constitutional requirement of procuring those warrants will seriously reduce the risks of abuses in the process itself.

Finally, when it comes down to it, we, as adults, must be realistic enough to realize there is only so much that our government can do to keep us safe from wanton acts of terrorism. Yes, we

can concentrate our security forces on airline terminals, but what about train stations or bus terminals? Or bridges or tunnels on our nation's highways? Movie theaters, sports stadiums or crowded beaches? We should take a lesson from the people of London during World War II's Battle of Britain when hell was literally reigning down from the skies during the frequent German Luftwaffe bomber attacks. When the air raid sirens went off, people did what was necessary to protect themselves by going down into bomb shelters. But after the all-clear was sounded, they went back to their regular lives without living in fear. We should do the same.

So let us all stand up and work actively to repeal all of our country's laws that allow human and constitutional rights to be violated. It is the right thing to do for simple justice. More importantly, our country's soul is at stake.

U.S. District Court in Ohio Refuses to Award Sanctions Against Attorney for Ohio Libertarian Party

By Richard Winger
From *Ballot Access News*
Published on January 9, 2015

On January 9, U.S. District Court Judge Michael H. Watson issued a procedural order in Libertarian Party of Ohio v Husted, s.d., 2:13-cv-953. This is the case in which the Libertarian Party is challenging the definition of “political party” passed by the Ohio legislature in November 2013. This is also the case in which the Libertarian Party tried to get its gubernatorial candidate on its own primary ballot in May 2014, but failed.



The new ruling refuses to award sanctions against the Libertarian Party’s attorney. The party’s attorney had used discovery to learn that the individual who challenged the Libertarian Party’s primary petition did not know who was paying his attorney. The party’s attorney further used discovery to find out who was paying the legal bills for the challenger. The attorney for the challenger then tried to persuade the court that the party’s attorney should be punished for his skillful work ferreting out the truth.

New and renewing Liberty Pledgers

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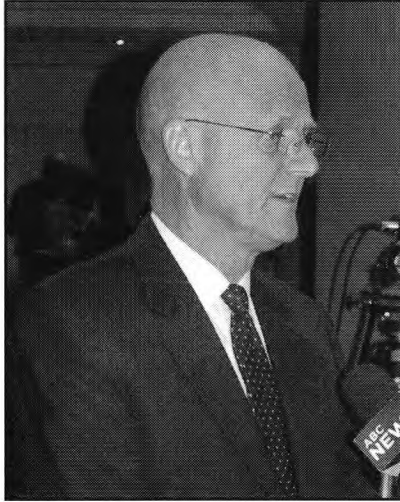
The Outback Libertarian

In September, David Leyonhjelm was elected to the Australian senate as a member of the Liberal Democratic Party, a libertarian party founded in 2001.

By Scott Shackford
From *Reason*
Published in December 2014

Q: You're the senate's sole representative of the Liberal Democratic Party. Does this make you the sole libertarian, or do you have allies who come close to a libertarian philosophy?

A: I'm the first politician, at least in the federal parliament, who's been elected on a libertarian platform, but there are libertarian-inclined people in the Liberal



David Leyonhjelm

Party, which is the governing party. There are also people with some libertarian inclinations, at least on some issues, in the National Party, which is in coalition with the Liberal Party. And occasionally you'll find a couple in the Labor Party, which is the equivalent of your Democrats. But there's not very many of them and they tend to have big blind spots as well.

Q: How did Australia's compulsory voting laws and your placement on the ballot affect your chances?

A: We got nine and a half percent of the vote, and we attribute that mostly to the fact that the Liberal Party went on a campaign of warning voters not to vote for us in the week or so before the election. Talkback radio, which has huge reach, was constantly telling people not to vote for Liberal Democrats by mistake: "They're number one on the ballot but don't vote for them by mistake. They're not the Liberal Party." And then the day before the election, the biggest-circulation newspaper in New South Wales where I was elected ran a two-page spread, a huge big thing, with a picture of me and another guy from my party, warning, "Don't vote for these guys by mistake!"

Australians are a perverse people. There's a significant number of them that will do exactly the opposite of what they're told. It's actually quite an endearing feature about them. If they're told that the right thing to do is such-and-

"I have spent quite a bit of my time in the media—confusing the media if you like—by talking about right-wing issues and the soft-left social issues: same-sex marriage, marijuana, assisted suicide. Those sorts of things which the left thinks are their issues. I'm in the process of characterizing them as liberty issues."

such they'll go and do the opposite. We think that was a major factor.

Q: Despite the fact that you may have benefited from compulsory voting laws, you have spoken critically of them.

A: We have a right to vote, and it's not a right if you get fined for not doing it. It becomes an obligation, like paying your taxes.

Q: In your maiden speech in July, you spent much of your time simply explaining the basics of libertarian or classical liberal philosophy. Did you feel it was important to explain where your political platform came from? Is that an indication there isn't a lot of understanding of the classical liberal philosophy in Australia?

A: There is a tendency to note anybody who believes in low taxes and less government expenditures as being far right. "A far-right extremist" is the term that gets thrown around quite commonly. So I have spent quite a bit of my time in the media—confusing the media if you like—by talking about right-wing issues and the soft-left social issues: same-sex marriage, marijuana, assisted suicide. Those sorts of things which the left thinks are their issues. I'm in the process of characterizing them as liberty issues. It's partly to head off this far-right extremist label. So it was important to set out the philosophical underpinnings of it to show it goes back a long time.

Q: What kind of response did you get from your maiden speech?

A: Very positive. Quite a number of senators who were in the chamber listening to me—it's a courtesy thing to listen to the speeches—many of them said, "God, I wish I could make a speech like that."