

MINORITY REPORT

PLATFORM COMMITTEE

OF THE

FREE LIBERTARIAN PARTY OF NEW YORK

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PREAMBLE

The crisis of our time is a crisis of government. The past few decades have seen an increase of state power so unprecedented that government now presents a severe danger both to the health of our society and the continued existence of our freedom. Increasingly, as recent news reports attest, government has become a violator of our civil liberties. Simultaneously, those institutions and services owned or most heavily regulated by the state are failing to meet the needs of our citizens, with major crises and dislocations as the result. In hospitals, as in health care in general; in energy production; in transportation; in law enforcement; and in welfare, to name but a few areas, the state has so intruded into our lives that it now presents both an inconvenience and a danger.

As Libertarians, it is our contention that government - rather than the frequently-cited scapegoat of free enterprise - is at the root of these crises. It causes the sick to be cared for at exorbitant rates, if at all; energy shortages to occur; subways and roads to become overcrowded and dangerous; crime to flourish; and increasing numbers of people to live off of the earnings of others. Were the government to be eliminated from these and other areas, these problems would either disappear or become significantly diminished in scope and severity. Accordingly, in order that this goal might be effected, the Free Libertarian Party pledges itself to implement the program outlined in the following platform.

SECTION I: CRIME, CIVIL ORDER AND CIVIL LIBERTIES

Nowhere is the present crisis clearer than in the matter of crime, where government has not only failed in its most fundamental role - the prevention of crime - but has in many respects caused and encouraged crime, and prevented individuals from defending themselves against it.

The FLP holds that the only possible legitimate functions of government are those which defend citizens from aggression by others. We hold also that the government itself can easily become the worst aggressor of all, and that all citizens must therefore maintain constant watch over the government designed to protect them, lest it become their most dangerous enemy. Therefore the first task of this platform is to define concepts by which crime may be minimized and liberty maximized, in order to achieve that true civil order which can exist only in the absence of force or violence from any direction.

Principles of Law

The only proper purpose of any law is to prevent individuals from successfully committing aggressive activity against other individuals. By aggressive activity we mean deliberate or reckless damage done to person or property, including murder, physical assault, theft, and such indirect forms of theft as fraud, violation of contracts, and refusal to pay for unintentional damage.

Libertarians therefore insist that all law must be prohibitive rather than prescriptive. Its purpose is not to tell men how they should live, but merely to prevent them from interfering aggressively with the lives of others.

The basic principles of law should be prevention and restitution. Thus, convicted criminals should be required to reimburse their victims for the cost of their crimes; they should be further required to pay the cost of their arrest, trial, and detention, in order that the entire machinery of enforcement be financially self-supporting so far as possible.

Causes and Prevention of Crime

The present failure of our legal system has been produced, in large part, from gross misunderstanding of the causes of crime. Such explanations as poverty, lack of education, or racial discrimination are at best erroneous and at worst intentionally misleading. In recent decades, all of these "causes" have been decreasing, while their "effect," crime, has increased. It is an error to believe that the removal of some particular social condition would wipe out crime. The most general cause of crime is that the desires of people, rich or poor, usually exceed what their income allows them. If they think they can get more by the use of force, some of them will try. This situation is not likely to change, and crime is not likely to be eliminated. There are, however, several ways in which it might be reduced.

Many of the things that are called crimes do not involve aggression against anyone, and should not be crimes. Removing the laws against them would free the judicial system from a tremendous burden of useless cases and render it more efficient in performing its proper functions. More important, it would also free the numerous victims of such laws from having their lives interfered with - from being harassed, arrested, imprisoned - for activities which are properly their own concern.

There is another way in which improper laws cause crime, especially in New York City. The laws which make drugs illegal also make them very expensive; addicts must steal large sums, and assault countless citizens, in order to maintain their habit. Were such drugs legal, they would be far cheaper; few addicts would need to resort to crime, just as few alcoholics do now. Thus the laws against drugs have unintentionally produced a large part of the street crime of the city of New York.

There is another important way in which government increases crime. The right of self-defense rests originally in the individual citizen; it is exercised by government only as his agent. Thus there should be no restrictions on the right of the individual citizen to defend himself, so long as he does not violate the rights of others. This includes the right to bear arms. Further, the legal rights of owners to protect their property should be expanded, and there should be no restrictions on the right of private police agencies to offer and provide protection to their clients, as long as they commit no acts of aggression. The effect of all these changes in the law would be to make it easier for victims of crime to defend themselves, and thus to make crime more risky, and therefore less profitable. This would reduce crime.

Individual Rights and the Limitation of Government

It has been stressed throughout this section that many of our present laws are improper and should be repealed. Although such repeal would do much to decrease crime, by far the most important reason for wiping out the laws in question is that they violate the individual rights of citizens. They are therefore a very real form of aggressive activity, which is precisely what law should prevent, not perpetuate. In the following paragraphs, these "crimes without victims" will be itemized and discussed.

The possession, sale, purchase, and use of drugs is a victimless crime because, whether or not drugs injure their users, no force or aggression is involved in their voluntary use or purchase.

Prostitution is a victimless crime because it clearly depends on the voluntary participation of both parties.

Gambling is an activity the prohibition of which is particularly hypocritical in New York State, where the government itself encourages it through the legalized channels of the lottery and Off-Track-Betting.

Pornography is no affair of the government. Laws against it are attempts to prescribe moral behavior, which is not a proper function of law.

Abortion is not the government's concern. Its prohibition originated as an attempt to protect women, "for their own good," from the dangers of a hazardous operation; it has been preserved as an attempt to prescribe morality through law.

Sexual activity between or among consenting adults depends upon the consent of the participants. Laws against various sexual acts or preferences, heterosexual or homosexual, are blatant violations of the individual's right to live in any non-aggressive manner he chooses.

Laws against the ownership of anything, from gold to guns, are violations of the rights of individuals. Possession can never be an act of aggression, and only aggressive actions can properly be prohibited by law.

Unfortunately, legislating against non-aggressive actions is not the only way in which government violates the rights of its citizens. Government not only prohibits non-aggressive actions, it also performs aggressive actions. For this reason, support the limitation of certain illegitimate powers of the government.

The government has no business interfering with the execution of any contract freely entered into by its citizens, so long as no aggression is involved, nor has it any business setting the terms on which contracts must be made. Most such instances will be discussed later under the heading of "Economic Issues," but one important instance must be considered here. Marriage is a contract the terms of which should be entirely at the discretion of the participants. The government should have nothing to say about the number or sex of those participants, nor about the conditions of dissolution of the contracts - that is, the grounds for divorce.

The government has no legitimate right to confiscate private property. The exercise of the principle of eminent domain is an aggressive act by government.

The fact that an individual has been imprisoned in accordance with law gives the government no right to violate his rights. Prisoners should therefore retain their civil liberties; government should be permitted to exercise force against them only insofar as it is necessary in order to execute their sentence. The FLP is particularly opposed to the practice of depriving former prisoners of some of their civil liberties.

Far worse than the treatment of criminals is the treatment of many persons confined because of "mental illness." Many such persons are virtual prisoners, with no recourse to due process of law, although they have committed no aggression against any one. The FLP calls for the complete reconstruction of the legal provisions for the treatment of the "mentally ill" in order to insure that no citizen shall have his rights violated merely because he does not conform to someone else's standard of "normal" or "healthy" behavior.

The invasion of privacy is an increasing problem; both private and governmental agencies are responsible. When performed privately, it usually involves some form of trespass, tampering with personal property, or violation of contracts; it should thus be subject to prosecution under appropriate sorts of laws. It is more difficult to deal with when performed by governmental agencies, since these have traditionally regarded themselves as somehow above the law. In order to curb such governmental activities, the law should be altered, where necessary, to provide that government shall not be allowed to commit actions which are illegal when performed by private citizens, and to restructure enforcement procedures so that governmental agencies shall have no de facto immunity from prosecution for trespassing, tampering with property, or coercing private businesses or individuals to violate the confidence of their clients or associates. The basic principle should be that the mere suspicion that someone may be committing or may in the future commit a crime is no justification for violating his individual rights.

A new and important area of governmental interference is in the control of pollution. While we recognize pollution as a serious threat to health and property, we do not believe that the solution is for government to decide who may or may not pollute. Pollution should instead be regarded as an injury done to whomever it harms, and be prosecuted as such in the courts. Government should at most enact laws setting standards for determining the reality and extent of such violations. Convicted offenders should be treated in the same way as persons convicted of other acts of comparable severity; those who have intentionally done damage, and thus committed

Government Regulation and Licensing

In New York State, and especially in New York City, high prices and poor service are frequently the result of laws preventing people from going into some business or profession, or controlling how they must conduct their business. For instance:

Transport: A firm must have a franchise before it is permitted to operate a bus line. Cab owners in New York City must purchase a medallion, costing many thousands of dollars, before their cab is permitted to pick up customers on the street. Cabs are not permitted to cut their prices in order to attract customers, nor are they permitted to act as jitneys, running regular routes along which they pick up and discharge passengers, as is done legally in some foreign cities, and illegally in some American cities. We support the abolition of all these restrictions. Regulation of cabs and bus lines should be limited to, at most, a provision identifying those that charge "standard" rates and meet other city requirements. Customers would then be free to choose between such city approved cabs and their unapproved competitors.

Housing and Construction: The construction codes of the city of New York have little, if any, relevance to the actual requirements of safety - their main purpose seems to be to insure a large income to those who are supposed to enforce them, and to protect the building trades by banning new labor-saving technology from the city. As a result, they greatly increase the cost of building. All construction codes should be abolished. Quality in construction will then be enforced, as it is in most non-urban areas, by the fact that nobody will pay very much for a building that is falling down. That is an especially effective way of enforcing quality in urban areas, where the purchasers of buildings are usually large firms, perfectly capable of evaluating quality for themselves.

Zoning laws frequently prevent land from being used efficiently, and sometimes, especially in New York City, prevent it from being used at all. As New York demonstrated seventy years ago, and as Dallas continues to demonstrate, on a smaller scale, today, the market can and will efficiently allocate land without government interference. We advocate the abolition of all zoning laws.

Licensing: The licensing of numerous professions, such as physicians, carpenters, plumbers, and lawyers, is widely accepted as necessary in order to protect consumers from incompetents. Such licensing is in fact advocated, lobbied for, and controlled, almost exclusively by the professions being licensed. In most cases it serves the interest of those professions by keeping down the number of doctors, carpenters, or whatever, and thus allowing existing members of the profession to charge high prices. All such licensing should be either abolished entirely, or replaced by certification. In the latter case, a professional would be required to inform his customers as to whether the state had certified his competence; the customers would then be free to follow the state's judgement or to ignore it.

The same principle should apply to the licensing of restaurants and other businesses. City or state governments should, at the most, inform the customers as to which businesses they approve of, leaving the customers free to patronize whichever ones they prefer. Restaurants that poisoned their customers would still be subject to civil suits or, in extreme cases, charges of criminal negligence.

Contracts, Fraud and Consumer Protection

The best defenses a consumer has against dishonest or incompetent businessmen are other businessmen, and the courts. Competition and an effective system of courts for the enforcement of contracts are the best means of preventing fraud. The best thing the government can do for competition is to stop preventing it. We support the repeal of laws that limit the advertising of prescription drugs and other products. Government can best improve the services of its courts by restricting their duties to the enforcement of contracts and the punishing of coercion, freeing them from other duties, as suggested elsewhere in this platform.

Taxation

We oppose taxation because it involves the confiscation of money from people without their consent, results in the uneconomic use of the funds so collected, and denies to individuals the right to decide how the money they have earned will be spent. We favor the abolition of all taxation; and, as an interim measure, a requirement that all government services pay their own way and in no way involve the redistribution of legitimately earned income. We propose the institution of a system of tax credits under which a citizen who purchases a service, usually provided by the government, from a private agency instead, would be entitled to deduct the full cost of the service from his final tax bill.

Welfare

Welfare today exerts a pervasive influence on the life of every American, and threatens to bankrupt many local governments. As Libertarians, we consider the welfare system to be not only intrinsically unjust, but also of more harm than benefit. We include within the welfare system not only individuals receiving government assistance, but also those industries and corporations which have used their influence with government officials to obtain special subsidies, tariffs, regulations and the like. We hold that such a system cannot be justified and should be abolished as rapidly as possible, because it redistributes private wealth, prevents free competition, and destroys the economic and social incentives for hard work and creative effort which are essential for the continued existence of freedom and prosperity for all Americans. We totally reject the concept of a guaranteed annual income, as this would involve guaranteeing money to the indolent at the expense of workers who have the right to keep the income they earn and to spend it as they wish.

As interim reforms, until the welfare system can be totally abolished, we support changes in it to provide tax credits for businesses to train welfare recipients for jobs; to require comprehensive examination of eligibility standards for welfare; to waive minimum wage laws for recipients who receive on-the-job training; and to permit retention by employed recipients of a sufficiently large portion of their welfare payments to encourage them to become ultimately self-supporting.

SECTION III: GOVERNMENT SERVICES AND INSTITUTIONS

We hold that a government which provides any goods and services to its citizens beyond those needed to protect them from coercion is necessarily acting in a manner inimical to the security of individual rights. Accordingly, we assert that the production and distribution of all goods and services must be left entirely in private hands; that every consumer is the best and only judge of his own needs, goals and standards; and that any owner has the right to buy, use or sell any commodity in any manner he - and only he - sees fit, on the sole condition that in doing so he not aggress against the rights of anyone else.

Education

Few institutions are regarded with such wide-spread disillusionment as our educational system. It is attacked as archaic, irrelevant and irresponsible by liberals and conservatives, young and old, rich and poor. The sad fact is that it is meeting neither the personal needs of its students, nor the practical criteria of economic viability. As Libertarians, we hold that most of its failures stem from the use of government coercion, and that the solution to the present crisis is to eliminate all coercion. We therefore propose the following:

The first and foremost form of coercion in education consists in forcing students to go to school against their will. We favor the repeal of all compulsory attendance laws. Education should be a matter of choice, not obligation. It should be a service offered to those who desire it.

As a service, education should be paid for by its recipients. We oppose coercive financing of education by taxation or any other involuntary means.

Just as government should not force anyone to go to school, so should it not force schools to conform to any imposed standards. The only way educational institutions can serve the needs of their clients is for their standards to be determined

solely by the demands of those clients. And only in this way will there evolve a variety of educational offerings which relate to the real spectrum of social needs. When educational supply is determined by demand, we will finally escape the deplorable current situation in which many students are forced into an educational mold which is valueless for them while others are left virtually uneducated.

Education should not be a coercive instrument for the achievement of social or political goals. No laws which attempt to enforce or prohibit racial integration in educational institutions should be tolerated. Nor should there be any legal restrictions upon course materials for reasons of political, religious or moral content.

While we advocate the replacement of governmentally controlled schools with private ones, we realize that this cannot be done overnight. As a matter of priority in the interim, the most urgent need is to decrease the imposition of governmental standards on existing schools and to encourage decentralization of the public school system to the greatest possible extent. One way in which this could be done is by the implementation of a voucher system.

Health Care

While we realize that a total solution to the problem of providing adequate health care to everyone may never be found, we deny that this problem is a concern of the state, and believe that the intrusion of government into this field only worsens matters. The practice of licensing physicians and other medical personnel, for example, serves to limit the number of people practicing in these fields, and bids up the cost of their services. By reducing or eliminating the cost of medical care for some, government health plans create an artificial demand, which injures those in genuine need of care, while increasing taxes for the citizenry at large. We also deny that the state or any person has the right to force the hospitalization of anyone suffering from a "mental illness" in the absence of covert acts committed by that person which infringe on the rights of others. The Free Libertarian Party is opposed to any government intervention in the field of health care, and holds that private institutions, charities and insurance plans can adequately meet the health care needs of the people of New York State.

Transportation

Because we believe that all property - except perhaps that which a government might need to protect citizens against aggressive activity - should be privately owned, we favor the sale of all means of transport, including subways and busses, and all streets, highways, bridges, tunnels and similar thoroughfares to corporations and private citizens. We believe that such a policy will make for more efficient and rational transportation, as decisions by the owners and builders of thoroughfares will be made in response to market demand, rather than special interest-group pressures.

Sanitation and Fire Fighting

When governments perform services for their citizens, they usually do so inefficiently, at high cost, and by denying individuals the right to choose. We hold that services such as sanitation and fire fighting should be performed by citizens themselves, or contractually, by their hired agents. To make this possible we favor the immediate removal of government monopolies over these and similar services; and, as an interim measure, the institution by government of a charge for any service it should perform sufficient to cover its cost.

Public Lands and Assets

Land, like any other commodity, to be legitimately owned must be privately owned. We therefore propose that no more land be brought into the public domain, and that the land now belonging to the government be sold to the public; and endorse the concept that private ownership can provide parks and recreation areas adequate to the needs of the people of New York State.

The Arts

In the arts, as in any other field of human endeavor, no man has the right to a subsidy, or to unearned wealth. Accordingly, we propose the abolition of the State Council on the Arts, and the cessation of any form of governmental aid to the arts and all other forms of recreational or educational activity.

Decentralization and Secession

The struggle to create a free society will be a long and arduous one, and in recognition of this fact, we support certain interim measures which, while not themselves the measures of a free society, are steps in the right direction. Chief among these are the dual concepts of decentralization and secession. We hold that governments and their agencies - if and where these exist - ought to be as close to individual citizens as possible, so as to make for the highest possible degree of accountability. We also hold that any group of citizens has the right to secede from a larger governing unit and form another, more localized and accountable one, for such bodies are more likely to respect the rights of the individual than are their parent bodies. We also believe that the threat of secession will force governments to behave responsibly, as only by doing so will they be able to successfully compete for citizens.