

Hawai`i Libertarian

Monthly Newsletter of the Libertarian Party of Hawaii Vol. 20, No. 2, February 2002



From the Chair By Roger Taylor

Noreen Chun, Jerry Murphy, Cindy Powell, John Virgilio, Wade Thode, and Roger Taylor gathered signatures at the Capitol on the opening day (Jan 16) of Hawaii's Legislature. Jerry collected 72 and Cindy took second place honors with 28. Noreen, John and I all pitched in with over 20 each. Thank you so much. We also got a lot at the Industrial Fair (Thank you **Brian Winter, Robert Moses, Tracy, John Orendt** and **others**) also at Small Business Hawaii's yearly gathering (Thank you **Cindy Powell**.) I submitted all these and to date our total certified signatures is 584 giving us 54 to go. We will close this out in the next 2-3 weeks.

On the legislative, front **John Orendt** has been working with **Tracy Ryan** and myself to make our presence at the Legislature known. We have been picking up all the bills introduced and are manually sorting through them looking for items we support and items that we will be testifying against. Our Sunday, February 3rd meeting will be centered around planning our activities with regards to the Legislature. We will be seeking your help to write and submit testimony against any number of bad bills. We will want to also show up on the positive side of some bills, like those that expand privatization and those that reduce business regulations to name a few. Twenty people showed up for our January meeting so we hope you will join us at the Straub Clinic Conference Room (by the cafeteria) at 888 S. King St. for our regular monthly meeting on Sunday February 3rd at 6 pm so we can keep the momentum going.

On February 5th, **Mark Skousen**, President of the Foundation for Economic Education will be giving a couple of presentations. Libertarians, **Ken Schoolland** and **Dick Rowland** have been organizers for these events. There are more details in another article. A group of several out of state Libertarians and friends will

be in port on a cruise on **February 7th**. They will be touring the Capitol in the morning and they will be doing a day tour in the afternoon. If you want to meet some of them let me know. ✍

Scam Cam Editorial from Midweek

On January 23 Gabriela Telander wrote a letter supporting traffic cameras. Of the opposition, she wrote, they are like "a child who gets disciplined by its parents after having been spoiled for too long."

This analogy accurately reflects the situation in most countries: big government as authority over its child-like subjects. However, the scenario is completely opposite in America. Here, it is we, the people, who are in charge of our government. Here, the government is our child and must do as it is told.

We, the people, have been acting as negligent parents toward our state government and toward the Democratic Party in particular. We have allowed them to get away with doing as they please for too long.

The Libertarian Party is leading a multi-party campaign to convince our politicians to repeal these terrible laws. They can be reached at <http://www.hi.lp.org>

Our spoiled state government had better start obeying it's rightful authority or there will be a spanking come November.

Jerry Murphy
99-869a Lalawai Dr.
Aiea, Hi 96701
(808) 487 - 3396

Attack on Capitalism: Dangers and Opportunities in an Uncertain World.

Mark Skousen, President of the Foundation for Economic Education, will give two presentations in Hawaii on Tuesday, February 5:

1) "Attack on Capitalism: Dangers and Opportunities in an Uncertain World."

This lecture will discuss the need to have an open society and how a closed society and economic repression breeds fanaticism and terrorism.

The Pineapple Room at Macy's, Ala Moana Shopping Center, \$25/person luncheon. Reservations for the luncheon are taken by Dick Rowland, President of the Grass Root Institute, 487-4959.

2) "Against All Odds: How the Adam Smith Model of Free-Market Capitalism Triumphed Over Keynesianism, Marxism and Socialism."

In this lecture he will tell the story of economics, from Adam Smith to the present time, using illustrations and classical music selections to tell the story. Educational and entertaining, based on his book,

THE MAKING OF MODERN ECONOMICS.

From 9:10 to 10:30 AM, at the Nuuanu YMCA, 1441 Pali Hwy. The contact for this event is Ken Schoolland, 676-0825. Reservations should be made at least two days before the event. Teachers and students (even whole classes) are invited so long as room is available.

Mark Skousen is the new president of the Foundation for Economic Education (FEE), the oldest free-market think tank in the United States and the largest distributor of books on liberty in the world (through Laissez Faire Books). FEE is located in Irvington-on-Hudson, New York (www.fee.org). He earned his Ph. D. in economics from George Washington University, and taught economics and finance for 16 years at Rollins College in Florida. He is the author of twenty books, including his latest bestseller, "The Making of Modern Economics." He is also an occasional columnist for *Forbes* magazine, and for the past 23 years has written "Forecasts & Strategies," a monthly investment advisory letter.

Sponsored by the Grass Root Institute, Small Business Hawaii, and Hawaii Pacific University. ✍

IT WORKS LIKE A CONSPIRACY!

The attention of the people who are dismayed at the state issuing camera generated tickets to persons who have evidently violated a traffic law is hereby directed to the fact that they should be upset at the state not only for issuing camera generated tickets but for having the gall to issue any tickets at all to enforce its laws for it is here understood that the state is forbidden to do so by the Constitution.

It is here believed that the founders of this country included the provision in the Constitution that no state shall deprive any person of life, liberty or property without due process of law because they understood that by so doing they would, among other things, prevent any

state from unfairly depriving any person of his or her money by the issuance of tickets which offer to ticketed persons the opportunity to make payoffs to the state to "clear" or to "settle" their tickets without appearing in any court.

It is here understood that the reason why nearly all ticketed persons today choose to accept this opportunity to make this payoff to the state is because the cost of doing so is but a fraction of the amount they would have to spend if they were to retain a lawyer to represent them to contest their tickets in court. Reasoning indicates that if the cost of retaining such a lawyer were to cost less than the cost of making a payoff to the state, very few, if any, ticketed persons would thereafter choose to make any more such payments to the state. This, of course, would mean the sure and absolute end to the evidently unconstitutional traffic ticket system of enforcing laws.

All good lawyers are therefore hereby invited to help insure that all the states quit issuing any more traffic tickets and hereafter conform to due process of law in the enforcement of traffic laws by their announcing that they are prepared to represent any person who has been issued a traffic ticket for the price of say \$25 or less, regardless of how or why that ticket was issued.

For further details:

<http://www.hi.lp.org/Traffic/DefDueProcess.htm>

by Clarence Shak, a Professional Engineer, Phone No. (808) 591-0108

Traffic-cam haters jam Senate hearing

11 senators have co-signed a bill that would end the project

ACLU and lawyers to hold forum

By Rod Antone rantone@starbulletin.com

Nanakuli resident Dean Papagno wants to make it clear that he opposes the Department of Transportation's traffic camera vans. However, Papagno told state Senate Transportation Committee members yesterday, if the vans have to be somewhere, they should be put in less urban areas where speeders are a real problem.

"My youngest daughter goes to Nanaikapono (Elementary School) on Farrington Highway," said Papagno. "People fly down that road.

"Put the vans or cameras or whatever in common-sense places ... places it's needed and going to be effective."

Papagno's concerns were echoed by others testifying during an informational hearing before the committee

about the Department of Transportation's photo enforcement project. Objections to the project ranged from the placement of the vans and reliability of camera technology to whether the citations would hold up in court.

"You're issuing tickets based on a picture of a license plate," said Sen. Fred Hemmings (R, Kailua-Waimanalo). "What happens if someone says they weren't driving?"

"The burden of proof is on the registered owner ... so they have to prove their innocence." The hearing even drew a vacationing Minnesota Highway Safety Center instructor, who said the traffic situation on Oahu recently was so bad that he turned in his rental car.

"You have elevated road rage. ... You've created a tremendous safety hazard," said Nito Quitevis. "People are dynamiting the brakes looking for these traffic vans. ... They're not paying attention to traffic."

Sen. Colleen Hanabusa (D, Waianae-Makaha) said 11 senators have co-signed a bill that would end the traffic camera project immediately.

Most of the outcry came from GOP members.

"I would like to formally ask you to pull your traffic vans off the Pali and Likelike highways," said Sen. Bob Hogue (R, Kaneohe-Enchanted Lake). "Currently, two of the four photo enforcement vans are often on these Windward travel routes. This disproportionately targets Windward residents compared to the entire Oahu driving population.

"These traffic cameras are totally unfair."

Other committee members such as committee Vice Chairwoman Carol Fukunaga said the situation might be cleared by something as simple as increased communication. Fukunaga and others asked that the Transportation Department along with the vendor running the project for the state, Affiliated Computer Services, attend more public gatherings such as neighborhood boards to let communities know when the vans will be in the area.

"I hope there's some sort of win-win situation," said Sen. Suzanne Chun Oakland (D, Palama-Alewa Heights). "I don't think a total repeal (of the project) is an answer."

ACS officials said they would make a greater effort to communicate van locations with communities. Otherwise, they say the controversy they have seen so far is not any worse than other states where they have attempted to introduce the traffic camera system.

"The initial reaction is quite similar: public outcry," said Tom Hodgkins, ACS director of government relations. "But as the program becomes more accepted and more understood, you see increased support. As soon as you see results, support will go up."

Transportation Director Brian Minaai said after the hearing that he is going to concentrate on getting the red-light camera program under way before worrying about expanding the camera vans to other areas. Minaai said the concerns expressed at the hearing are both understandable and typical of any project that seeks to change human behavior.

"The motorcycle helmet law, mandatory seat belt use, stricter blood-alcohol levels ... all enforcement issues, all very controversial," said Minaai. "The difference is that with those other issues, we were targeting specific groups of people. Here we're trying to change the behavior of the entire driving population."

ACLU and lawyers to hold forum on traffic cameras

Star-Bulletin staff

The American Civil Liberties Union of Hawaii has announced that it will be holding a forum to address the state's traffic camera project and the rights of motorists. The forum is free to the public and is aimed at providing information to those who may wish to contest their tickets.

"The state would like motorists to just throw up their hands and pay the tickets," said ACLU Legal Director Brent White. "However, the state is required to prove beyond a reasonable doubt that the person issued the ticket was the driver of the vehicle."

"This forum will help individuals understand how to negotiate the court system without giving up valuable rights."

The forum will be held from 5:30 to 7:30 p.m. at the Blaisdell Center Auditorium, Pikake Room, on Feb. 5. Forum panelists will include White and several local criminal defense attorneys.

No reservations are needed to attend the forum. For more information, contact the ACLU at 522-5900 or e-mail at office@acluhawaii.org.

Announcements

General Meeting:

When: Sunday February 3, 6:00 PM

February meeting will be a legislative update. Most of our work here is to make sure bad bills are testified against. To wit, recently Tracy Ryan, Noreen Chun, and John Orendt were the only people who testified against a city council bill limiting employment opportunities for minors. It may not have passed anyway, but testimony helps fence sitters and people pleasers vote our way

Open to public ☞

THE MAKING OF MODERN ECONOMICS.

When: 9AM to 11AM on Tuesday, February 5

Where: Nuuanu YMCA, 1441 Pali Hwy,

Attack on Capitalism: Dangers and Opportunities in an Uncertain World.

Where: Pineapple Room at Macy's of Ala Moana Shopping Center

When: the same day (Feb 5) for a luncheon extravaganza at a mere \$25/person.

This lecture will discuss the need to have an open society and how a closed society and economic repression breeds fanaticism and terrorism.

Reservations for the luncheon will be taken by Dick Rowland, President of the Grass Root Institute, 487-4959. ☞

Executive Committee Meeting:

When: Sunday February 17, 6:00 PM

Where: 888 South King Street. Corner of King and Ward. Straub Clinic Presentation Room, ground floor behind the cafeteria.

All members welcome ☞

Join the Hawaii Libertarian Party

On Line: Visit the Hawaii Party website at <http://www.hi.lp.org>, click on the *Join LPH!* Button, and follow the instructions there. While there, look around! You'll find lots of useful info.

By Mail: Call the Hawaii office at (808) 537-3078, or call any of the names listed on the back page, and ask for a membership application. When it comes, fill it out, sign it, and mail it with a check for the annual dues of \$35 to:

Libertarian Party of Hawaii
625 Keawe St.
Honolulu, HI 96813

☞

Beat that Scam Cam Ticket the easy way.

Fact: Scam Cam truck does not take a picture of your face.

Ticket arrives: Reply with the following statement: I do not believe there is evidence to support this claim.

Send no money.

Refuse to make a statement i.e. Invoke the 5th Amendment.

From: The Bill of Rights to the Constitution of the United States

Amendment V

(1791)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Judge will dismiss because he cannot prove beyond a reasonable doubt that you are guilty.

Disclaimer - The information contained herein is believed to be correct at the time of writing, but does not constitute legal, advice. We do not accept any responsibility, legal or otherwise, for any errors or omissions. For specific legal advice concerning a specific legal issue, you should contact your own legal advisor. ☞

Scam Cam - Have the DOT officials responsible for this fiasco removed or demoted immediately.

by
Blane Suizu bsuizu55@hotmail.com

I recently read about this organization in the paper and couldn't help but write. You guys should really consider pushing to have the DOT officials responsible for this fiasco removed or demoted immediately. Of course, I've

contacted several government officials about this but anyone who did reply back would never comment on that. It's pretty obvious to me that these officials are not fit for the job and it disturbs me that the state would employ them since it seems everything they've done with the traffic program so far has failed and is quite questionable to the point where their competence is in question. For example, one issue I brought up with my complaints is why didn't the state and DOT simply license the technology and equipment from ACS? This would have eliminated ACS out of the issue completely. Of course, there's a lot more issues but that's just one part that could have been easily avoided and would have given the state complete control over the program. Since it was only a trial program, why didn't the state opt for an escape clause in the contract with ACS? Instead, we keep getting told that the state would have lost money if they had gone to a flat, monthly fee. Couldn't they have used statistics on traffic violations in various areas over the last 5-10 years for a reasonable estimation? Wouldn't that have limited any loss by the state? After all, if this is not a revenue scheme, that shouldn't really matter right? Safety is the only thing that should matter. But again, it seems several government officials like Cal Kawamoto D-19th and the high ranking DOT officials can't seem to comprehend the real issues involved. It seems to me that they simply want to ignore the real issues and I find that offensive. It's like having the state saying "we give up, we don't have any idea how to deal with these issues so we'll let a private company deal with it for us." If that's the case, they don't belong where they are now. It seems like they're ignoring the fact that speeding isn't necessarily what kills. They keep saying the roads are slowing down etc. Is that really making it safer? Doubtful since this program caused more distractions and problems than resolving real issues. Even an expert mentioned that speed doesn't kill, distractions do. They mentioned awhile ago that there was 200 something traffic fatalities over a course of a time period which gave them good reason to implement this program. Of course it wasn't surprising that they failed to acknowledge what other circumstances led to those fatalities. For example, street racing, driving under the influence, weaving through the lanes without signaling, tailing other drivers, talking on the cell phone, changing the CD or radio station. All these other things cause accidents, fatal or not, they are all hazards. Will the camera resolve these issues? No matter how much the DOT hopes it can, it can't. Did the DOT simply ignore what had happened in San Diego with ACS? How about the incident where a man who sold his car last year and

was overseas for several months only to come home and find out he received a citation? If I got to talk to this guy, I'd tell him to simply not do anything about it and go on with his life, if the state dares to do anything, he should sue them. I think in the interview, he said the state still wanted him to contest it. It's really the state's problem, not his. He shouldn't have to go to the court or waste any of his time because of the screw up by ACS and the state. It goes to show just how important it is to have a real law enforcement officer deal with it first hand. How does the DOT deal with citations to vehicles driven by other drivers? They need a signature? Do they expect 100% of the people to do this? What happens to those who can't get the signature? I remember a statement like "they should make better decisions" or something in that nature. So basically, some drivers will suffer from this program for doing absolutely nothing illegal. How can the state and DOT justify doing that? They can't but I'm sure they'll say traffic is slowing down and that's the only justification they need even if they have created more distractions. You know it'll be funny situation if one day it's discovered some of these state officials and DOT officials hold ACS stock. That's just a 'what if' thought I had. If they really wanted to solve some of these issues, they should have realized the true value of the HPD and beef up the department. I can go on but I have too much to say so I'll stop here. But again, you should really consider pushing to get these officials from the DOT removed or demoted and later with the government officials. You'll have my support. ✍

The safest speed is the prevailing speed of traffic

Minnesota traffic safety expert Nito Quitevis said. "You can change the speed limits to that standard and still be very safe."

Quitevis told state lawmakers that technological improvements in everything from roadway design to brakes to tires all contribute to an atmosphere of safer driving at higher speeds. ✍

Get Online with Hawaiian Libertarians

Our Website Home Page: <http://www.hi.lp.org>

Open Discussion Group: lph-discuss@topica.com

Announcements: lph-announce@topica.com

National LP Website Home Page: <http://www.lp.org>

Libertarian Party of Hawaii Officers

Chair	Roger Taylor	545-3007	roger-taylor@RR**
Vice Chair	John Orendt	843-0617	hi-lp@despammed.com
Secretary	Jerry Murphy	941-3281	gsm425@hotmail.com
Treasurer	John Spangler	734-2925	jspan@hotmail.com
At Large	Ken Lindsay	293-5277	kenlindsay@RR**
	Guy Monahan	485-5015	monahang001@RR**
	Geo. Berish	533-6002	g@America-3.org
	Stuart Hayashi	623-0877	stuhayashi@hotmail.com
	Aaron Anderson	965-0300*	aaronanderson111@NS***

Contacts:

Maui

Big Isle Aaron Anderson 965-0300* aaronanderson111@NS***

Kauai

Molokai

* Preceded by 1-808

** RR = hawaii.rr.com

*** NS = netscape.net

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<http://www.hi.lp.org>
625 Keawe St, Honolulu, HI 96813
(808) 537-3078

Libertarian Party USA

(800) 682-1776
<http://www.lp.org>

Council of Ex-State Chairs

(Sr. Advisers to Exec. Committee)
Mile Rossell (808) 532-7300
Ken Schoolland (808) 676-0825
Tracy Ryan (808) 534-1846

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John Orendt, Editor (808) 843-0617

Contributors: Roger Taylor,
Jerry Murphy, Rod Antone, Blane
Suizu, Clarence Shak.



Libertarian Party of Hawaii

625 Keawe St.

Honolulu, HI 96813

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