

# Hawai`i Libertarian

Monthly Newsletter of the Libertarian Party of Hawaii Vol. 20, No. 3, March 2002



## From the Chair By Roger Taylor

We have been making a significant presence at the Legislature. **John Orendt** our legislative liaison, has been tracking bills, writing testimony and appearing at hearings. **Tracy Ryan**, though busy with her accountancy career during tax season, has been staying in the loop and offering good ideas about actions designed to promote the concept of Libertarianism down at the square volcano. Libertarian **Malia Zimmerman** has come out with an online newspaper. Check it out: [www.HawaiiReporter.com](http://www.HawaiiReporter.com). **Ken Schoolland** (LPH Chair in the early 90's) and **Dick Rowland** (Chair '95-97 and founder of the Grass Roots Institute: <http://www.grassrootinstitute.org>) continue to organize seminars/luncheons about the free market, bringing in notable main land speakers. I am sure other **Libertarians in Hawaii** are doing what they can to promote personal and economic freedom and we applaud each and every one of you each and every time you live, project, or talk about core libertarian principles.

Our attention is turning to the 2002 elections. The deadline for filing for candidacy is mid July. Looks like we might have at least 2 contested Libertarian races in the primary. **Jeff Mallan** and **Lehr Duquesne** have indicated an interest in the US House District 2. Both gentlemen have campaign experience and we should enjoy this model race as evolves. **George Peabody**, who has already announced his candidacy for Governor, has invited **Harry Browne** to come live in Hawaii and run for governor. Others have indicated an interest in running for Governor. **Aaron Anderson** is looking at the Hawaii County Council. Aaron has quite a following on the Big Island and has done well in previous outings. Come to our **Sunday March 3<sup>rd</sup>** meeting at 6 pm at Straub Clinic (King St) Cafeteria Conference room if you are interested in becoming a candidate and want some of the party's collective wisdom. Aaron, George, Jeff and Lehr will be there. Any party members in good

standing have the right to run as a candidate. Since we are not central planners, we encourage candidates to keep the Executive Committee in the loop, but we don't shut out candidates who want nothing to do with the local Libertarian bureaucracy. Being chair during elections is definitely more interesting.

## Lining up the Candidates

Sunday March 3rd, 6:00 PM

888 S King St.

Straub Clinic Cafeteria Conference Room

Agenda:

6 - 6:30 Socializing/Informal discussions.

6:30 6:35 Party Business.

6:35 - 7 Candidates have 3 minutes to tell us what they are up to.

7 - 7:30 Everybody puts in their 2 ¢ worth.

7:30 - 8 Candidates have the floor again.

8:30 Ajourn

## Scam Cam Notes

Presented to Kalihi Valley No. 16 at 7:00 PM 13 Feb 2002 by John Orendt

Kalihi Valley No. 16 board passed a motion to support Repeal of the traffic enforcement demonstration project.

Goal: To persuade listeners to take specified action towards removal of the Scam Cameras, which violate our constitutional rights.

Points:

The State of Hawaii has embarked on an ambitious program to increase compliance with posted speed limits.

The program involves the use of high tech photo laser equipment mounted in vans or other vehicles to be parked beside the road.

The system senses passing vehicles and notes their rate of speed. Vehicles driving too fast will get their front and / or rear license plate photographed. A speeding ticket is then sent to the vehicle's registered owner.

Since the system cannot prove who was driving the car the tickets should not go against anyone's driving record, but this is not the case. Under current law, tickets will go on your driving abstract.

Due to the extreme public hostility that now exists it is incumbent on elected officials to act quickly to terminate this program. In a democracy the government doesn't get to do whatever it pleases.

DOT is way behind in updating it's registration database. As a result, there have been cases of tickets being issued to former owners of vehicles who sold their car months ago and did all the proper paper work notifying DOT of the new owners details. Here we have completely innocent individuals hassled by getting tickets and having to waste their valuable time proving their innocence. Whatever happened to "presumed innocent till proven guilty"?

Ambiguities also occur in cases where the car is jointly owned, or registered to a company. To make matters worse, if the spouse or child of the registered owner was driving the car. The owner is expected to rat on his own family. In a murder case the courts can't make you do that. But apparently the big heads at DOT have deluded themselves into thinking they can legally make you betray your loved ones.

The State Department of Transportation has entered into a contract two inches thick with a private company ACS to provide and operate the system in exchange for a \$30 fee for each ticket issued.

Since ACS collects a fee for each ticket, a conflict of interest exists. Clearly, it would be in ACS's financial interest to defraud drivers wherever and whenever they think they can get away with it.

Due process of law exists to insure that the personal freedom of any person accused on a complaint not be infringed upon unless there is probable cause for a neutral third party to believe that such an accused person has probably committed a crime. Obviously, ACS does not qualify as a neutral third party.

The Libertarian Party of Hawai'i, has been vocal in its opposition to traffic cameras since the idea was first raised here in 1997.

## Announcements

### General Meeting:

## Lining up the Candidates

**When:** Sunday March 3, 6:00 PM

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

### Executive Committee Meeting:

**When:** Sunday March 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

✍

The basic underpinning of our speeding law is that you're allowed to drive safely and prudently, what ever the speed.

Speed does not kill. Loss of control of your car is what causes accidents, and consequentially deaths.

"You've got no idea how far down the road you've gone and how much you're on the wrong track," said Nito Quitevis, a former commercial driver, traffic investigator and highway safety instructor in Duluth, Minn.

Quitevis, who appeared before the Senate Committee on Transportation, Military Affairs and Government Operations, said he was so concerned that he took time out from his annual vacation to Hawai'i to warn lawmakers that the program was causing more problems than it solved.

"Speed doesn't kill," he said. "Distractions do. You've created a situation that's absolutely intolerable. Drivers aren't paying attention to the road; instead they are looking for the cameras. You've taken the most

courteous drivers in the country and suddenly elevated road rage to Mainland levels."

The safest speed is that of prevailing traffic, even if, that speed is above the current speed limit. You can change the speed limits to that standard and still be very safe. Indy 500 racers travel safely around a track at over 200 mph with just a few feet or less between cars.

Traffic studies indicate that the variance in speed is a much greater hazard than speed itself.

According to Martian Ljubic the most dangerous instrument in a car is the speedometer. Anything which takes your eyes off the road is a hazard, that includes, cell phones, radios, screaming kids and speedometers. Driving is really very easy. When you can see a long way ahead of you, you speed up. Your max speed is determined by how far you can see and how long it would take you to stop if something came into view which obstructed your path. When you cannot see far due to curves, hills, traffic, or intersections or the situation is such that something could obstruct your path you slow down. All this can be done safely without ever looking at a speedometer. In fact it may be safer if speedometers are disabled or removed from our cars.

According to national studies done by traffic engineers speed limits on most roads are 15 mph lower than the maximum safe speed. Posted speed limits are 8 to 12 mph lower than the prevailing speed of most drivers.

Compliance with Hawaii's posted speed limits is very low. Police and DOT estimates over the last twenty years have ranged from 46% to 97% non-complying. Some of these estimates include drivers stuck in traffic jams. Without these drivers included the 97% figure is probably more accurate.

Despite ignoring posted speed limits traffic safety in Hawaii has been improving. We probably have the safest roads in the United States without any help from automatic speed ticketing. The number of traffic accidents per year in Hawaii has dropped from over 25,000 in 1990 to about 10,000 today, an amazing record of improvement without any extraordinary speed enforcement efforts.

There are 750,000 licensed drivers in Hawaii. By my estimations that means about 740,000 speeders. It is clear by our driving habits what Hawaii's people think of our posted speed limits. Don't just think about H-1 and people driving 60 or 70 think about all the roads with 25 mph speed limits where the appropriate speed is 35 or more.

The public did not ask the legislature to initiate a high tech automated system, capable of writing two tickets

per second. The company, ACS State and Local Solutions, that provides the system has a vested financial interest in the volume of tickets issued as they will receive about 30 dollars for each ticket. To my knowledge all the information about how "wonderful" a system this is was provided to the legislature by this company. No efforts were made to contact other cities and states with similar systems.

The new system will issue tickets for those exceeding the speed limit by more than 10%. This is a far narrower threshold than has been applied by local law enforcement. Police know that a car's speedometer may be off by as much as 5 mph to begin with. In addition they have no motivation to ticket people who are driving safely and prudently despite the fact the posted speed limit may be exceeded.

Local police officers were among the first to buy up special license plate coverings to prevent getting tickets themselves. The police officers' union must give permission before their members are required to put in time operating this program. They are not inclined to give that permission.

It seems the only people in the State who want this system are the DOT and ACS that stand to profit by issuing unnecessary traffic tickets, some folks in the insurance industry who smell an opportunity to jack up rates, and State Senator Cal Kawamoto, who's Transportation Committee is responsible for the program getting through our legislature.

How many of you have received a camera ticket?

Here is how to

Beat that Scam Cam Ticket the easy way.

1. Ticket arrives: Reply by mail with the following statement: I do not believe there is evidence to support this claim.
2. Send no money.
3. Show up on your court date. Refuse to make a statement i.e. Invoke the [5th Amendment](#).
4. Judge will dismiss because he cannot prove beyond a reasonable doubt that you are the driver in the photo.

Disclaimer - Contact your own legal advisor before taking action.

Among other objections we've heard regarding the scam cams

1. Insurance rates are going to go up if I get a ticket.
2. It's Big Brotherism or should I say Botherism.
3. The cameras violate my right to privacy.
4. It's just a moneymaker for the state.
5. Law enforcement should be in the hands of police, not a private company.
6. There's no chance to face your accuser in court.
7. Sometimes it's safer to speed up; the cameras don't leave any room for discretion.
8. The tickets go to the car owner, not the driver.
9. The camera's flash at night can blind a driver.
10. Since the camera operators get paid for each ticket, there's the potential that they'll abuse the system in the name of profit.
11. Drivers are spending more time looking at their speedometer than the road.
12. There's no hard evidence that the cameras actually reduce serious accidents; in some cases, they cause more accidents.

SB2077 Repeals photo traffic enforcement law and related amendments to Hawaii Revised Statutes.

Passed unammended on February 7th 2002

HB2167 Repeals the traffic enforcement demonstration project.

Passed on 13 February 2002 with HD1 which tries to fix the system instead of getting rid of it.

2/16/02 H Bill scheduled to be heard by FIN on Tuesday, 02-19-02 at 4:45 pm in House conference room 308.

2/20/02 H FIN committee(s) recommends that the measure be deferred. ✍

## **IRS & Department of Justice: Why Won't You Answer Our Questions?**

On July 20, 2001, IRS Commissioner Charles Rossotti and U.S. Assistant Attorney General Dan Bryant formally agreed to have IRS and DOJ participate in a recorded, public hearing on Capital Hill to officially answer questions under oath in response to a Petition For Redress Of Grievances from the American People. Our Citizen's Petition directly challenges:

The jurisdiction and legal authority for the IRS

The unlawful enforcement of income tax laws against American citizens

The pervasive abuse of the People's constitutional rights in the daily operations of the IRS

After agreeing in writing to publicly answer questions related to the unconstitutional origin of the IRS, and the devastating harm caused by the income tax system to the working men and women of our nation, The Department of Justice and IRS on January 17, 2002, without explanation, canceled the hearing.

### **WE NOW HAVE A CONSTITUTIONAL CRISIS**

**What must a free People do when their government repeatedly refuses to honor its legal and moral obligation to respond to a proper Petition for Redress of Grievance as guaranteed by the 1<sup>st</sup> Amendment to the United States Constitution?**

We ask the People: Is Alan Dershowitz Correct?

1. We have NO unalienable rights?
2. The Constitution is merely a piece of paper?
3. Government should not be restrained because it can do good things for people?  
9/27/00 debate at Franklin & Marshall

**Can We The People simply accept that our Constitution has become a dead letter?**

**Must we resort to the same desperate measures that our Founders did to defend their unalienable rights to life, liberty and justice?**

**Do We Have a Constitution or Not?**

For decades, the government has steadfastly refused to honor the petitions of a growing number of honorable, well-educated, professional legal researchers whose work has raised significant and legitimate questions about the Constitutional and statutory authority of the income tax system. These issues are of the utmost importance to the American People and to our Republic.

Our respectful petitions to our servant government have fallen on deaf ears, have been arbitrarily and unjustly thrown out of the courts, and have been used as grounds for criminal prosecution, asset seizure and other unlawful abuse by the IRS and DOJ.

Three years ago, We The People Foundation began a series of formal, public initiatives to convince the U.S. government to answer our questions regarding the jurisdiction and legal authority of the IRS and the

personal income tax system. As the chronology of events outlined below demonstrates, we have worked diligently to show the American People the truth about the unconstitutional origin, abusive history and criminal conduct of the IRS, and the un-American nature of the personal income tax system.

### The Hearing Will Proceed

The Truth-in-Taxation Hearing will proceed as scheduled on February 27 and 28 at the Washington Marriott in DC.

The Foundation has delivered to the IRS and DOJ, and also published, an initial set of 299 questions **with a demand that government officials attend the public hearing and answer the questions**. We The American People want to know whether we still have a Constitution that protects our unalienable rights to privacy, due process of law, equal justice and liberty for all.

For updated news and details see our website: [www.givemeliberty.org](http://www.givemeliberty.org) ✉

### Explanation of Cancellation from Representative Bartlett

January 17, 2002

Mr. Robert L. Schulz  
We The People Foundation for  
Constitutional Education, Inc.  
2458 Ridge Road  
Queensbury, New York 12804

Sent Via Fax: 518-656-9724

Dear Bob:

I am quite dismayed by the tone of your rhetoric on your web page-- "Wait to File Until the Trial."

When I first met you in July of 2001, you seemed to want answers to questions regarding the legitimacy of the 16th Amendment to the Constitution. As a congressman who believes and follows the Constitution, you found a willing ear. In the numerous meetings that followed, I never advocated the non-payment of income taxes. You were quick to agree and assured me that you never took this position as well.

The information that you are currently disseminating concerning the February 27 & 28 forum is misleading. While I remain committed to making every effort so that you can exercise your constitutional right to get answers to your questions, your rhetoric has made it impossible for the forum to take place because the Internal Revenue Service (IRS) and the Department of Justice (DOJ) will not participate.

This is the alternative. I do not believe that IRS and DOJ will refuse to answer my questions. Please send the questions that you and your team developed to my Washington, D.C. office. I will refer them to the appropriate individuals at the IRS and the DOJ to respond. Since I know that there are thousands of people across this nation who want answers to similar questions, I will post both the questions and answers on my congressional web site.

In any future statements regarding my support please be sure that it is clear that I am supporting your constitutional rights and not that I am advocating not filing and not paying taxes.

Sincerely,

ROSCOE G. BARTLETT  
Member of Congress ✉

### Death vs. Disapproval

MARINA DEL REY, CA—The weapons programs of Saddam Hussein pose such a threat to US security that the Bush administration is considering overthrowing the Iraqi dictator

Our Arab and European allies, however, are alarmed by this prospect. Should we risk their disapproval—or should we risk the lives of thousands of Americans?

"Who would regard this as a choice worth agonizing over?" asks Robert Tracinski, senior fellow at the Ayn Rand Institute and columnist for Creators Syndicate.

The American press has begun just such agonizing, according to Tracinski. The media's typical approach, he notes, is to give no description of Hussein's nuclear, chemical, and biological weapons programs; no discussion of the danger to Israel, to American bases and allies abroad, let alone to millions of Americans at home—if Hussein's weapons programs were to succeed. Why the silence? Because "the objective threat posed by Iraq is overshadowed, in their minds, by a more important consideration: the feelings and opinions of Europe, the Arabs, and the 'world community.' To these critics, the possibility that tens of thousands of Americans could die in a new terrorist attack seems less real or urgent than the possibility that other nations might disapprove of us."

Tracinski emphasized that the facts are inescapable: "weapons of mass destruction in the hands of terrorist regimes are a real threat—and the contrary view of 'world opinion' has no power to change that fact. President Bush seems to grasp this reality. His critics are doing their best to evade it." ✉

#### Get Online with Hawaiian Libertarians

Our Website Home Page: <http://www.hi.lp.org>  
Open Discussion Group: [lph-discuss@topica.com](mailto:lph-discuss@topica.com)  
Announcements: [lph-announce@topica.com](mailto:lph-announce@topica.com)  
National LP Website Home Page: <http://www.lp.org>

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\* Preceded by 1-808

\*\* RR = hawaii.rr.com

\*\*\* NS = netscape.net

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