

# Hawai`i Libertarian

Monthly Newsletter of the Libertarian Party of Hawaii Vol. 20, No. 8, August 2002



## From the Chair By Roger Taylor

Our efforts for the next couple of months will be candidate support. You can help our candidates in many ways. **John Orendt** (State House Dist 30) and **Patrick Boswell** (State Senate Dist 2) are both going for matching funds and have a good chance of succeeding. Contributions up to \$100 help in this effort. Thus, being a mathematician I will give you the formula: Donate less than \$100.01 or more than \$200. **Jeff Mallan, Lehr Duquesne**, and **Jim Bracken** are running for federal office and can receive up to an aggregate of \$5000 each, before having to do a mountain of paperwork.(max of \$2000 per person/\$4000 per couple.) Matching funds for our governor candidates (**Tracy Ryan** and **George Peabody**) don't make sense for us because the threshold is so high. However, contributions to their campaigns are appreciated. **Ken Vaughan** our Lt. Governor candidate will more than likely stay below the \$1000 mark thereby avoiding filing spending reports. I would like to remind you that up to \$1250 in contributions to partisan candidates is a tax deduction on your state taxes. (\$250 to each of 4 candidates and \$250 to the party.) **Aaron Anderson** is running for Hawaii County Council as a non-partisan and is accepting contributions.

Non-financial help is appreciated also and most candidates are open to well communicated advice. You might ask what is well-communicated advice. It isn't raw criticism. It is suggesting ways to say something that doesn't change the meaning or intent of their words, but that sounds more Libertarian. Our August meeting on Sunday the 4<sup>th</sup> at 6 PM will be a candidate workshop. We will discuss filling out campaign spending reports, writing sound bites, making signs, recruiting volunteers, and any other topics that come up. Hope to see you there. ✍

## LP Olelo Video Production, Volunteers needed.

We are planning on putting together a video of John Orendt's "What is good?" speech. The speech itself will be modified somewhat to stress the economy and education, which are the top two priorities of the electorate according to "The People's Pulse". We will be making notes on imagery to be used in the background. The plan is to do a three-camera studio shoot at Olelo with a blue screen background. This enables us to project B roll footage of whatever we like in the background. We can switch between, shoulder shot, waist shot or wide shot at will. Furthermore, any of the foreground footage can be shrunk to an appropriately sized and located box in order to accommodate the background footage. Michael Powell has graciously volunteered to direct shooting and edit the video. You can help by donating video footage, which you own or have the rights to. We need video, pictures, drawings, graphics of Statue of Liberty, Hawaiian and / or American Flags billowing in the wind. Statue of Justice, Children playing happily with adults, Traffic Jam, Surfers, in the tube, Surfers wiping out. Oktoberfest, dancing and beer drinking. Attractive adults with big smiles. Cancer patients in Hospital. Graveyard, Attractive adults, smiling hugging, kissing, Terminally ill patients, A path which forks to a high road and a low road. Smiling Families with kids, parents, grand parents, and great grand parents, Lots of hugging, Meeting at airport receiving Hawaiian leis. Lone male, Wind in Hair driving a convertible. In car, Wife appears, kid appears, another kid appears. All happy. Wind surfing, jumping high, good landings. Picture of High fence around prison. Drawing of man sitting on a bunk behind bars smoking a joint. No symbol is superimposed over drawing. Graph labeled "all crime" starts at 100 and declines to 10. Labels go from 0 to 100, X axis is time. Graph labeled "oppression of the people" starts low goes high, picture of globe, stick figures appear on globe, both are placed inside a cell, door closes, sound of door closing and lock locking, beautiful scenery in Hawaii, children playing, carpenters building a house, construction workers building a large building like a skyscraper. ✍

## Could it be true?

**Jim Bracken**

If you watch TV at all, you probably saw the ONDCP anti-drug commercial. You know, the one where a bunch of teenagers and young adults stare with a blank expression and monotone voices:

"I helped murder families in Columbia"

"I helped to blow up buildings"

"I helped to kill policemen"

Meaning that because they participated in taking drugs, they were equally culpable in the acts of violence in world terrorism.

But who is really to blame?

In Columbia, our government has inserted itself into a civil war, all in the name of the "War on Drugs." Both factions in Columbia are equally dangerous. Both factions derive at least some of their funding from drug sales. Our side derives the lesser amount. So who is to blame here? Our government sends in advisors, military equipment, and hard cash – all with one aim: To kill. Isn't our government equally culpable in causing death in Columbia?

In the terrorist attacks, buildings and lives were equally shattered. Yet just several months beforehand, the United States gave the Taliban a gift of 43 million dollars in aid. This was a bribe to the Taliban inducing them to say that growing poppy was now against the will of Allah. Do you think that perhaps a bit of this aid was diverted to their good pals in the hood – namely Bin Laden and company? Most certainly.

Many policemen have died in the "War on Drugs." Yet who is to blame for making the drug trade so profitable, where what costs pennies to produce costs thousands at the retail level? If drugs are in demand but illegal, the supply and the price will rise to meet the demand. Who then shares in the death of policemen who are foot soldiers in a lost battle?

The only reason drugs are so profitable is because of the War on Drugs. Without this insane war, the astronomical profits terrorists receive from the drug trade would dry up in a New York minute. Crime would plummet – as is evidenced in Europe where "Harm Reduction" trumps the "War Mentality."

We have spent over ONE TRILLION DOLLARS on the War on Drugs. What do we have to show for it? Official corruption is the norm. Violent street gangs defending their drug turf. Overflowing prisons populations are out of control because non violent users are thrown into the

slammer. Not to mention our Constitutional rights are being raped. The violation of due process, both for citizens and their rites of privacy.

Has the flow of drugs stopped? Nope. Not even abated. There are more drugs available now than 20 years ago. The varieties of new drugs have exploded because of profit. The drugs themselves are more potent. And the retail price has fallen. However, overall addiction has remained remarkably stable.

Name me one good thing that has come about because of our War on Drugs.

I can't.

So next time you see one of those "TheAntiDrug.Com" spots, just ask:

"Who's really to blame?" ☹

Candidate Workshop

Sunday August 4th

6:00 PM

888 S. King

Doctor's Dining Room

## Picking the deepest pocket - Ohio's high court allows liability lottery to proceed

**By Vin Suprynowicz**

On June 12, the Ohio Supreme Court voted 4-3 to reinstate a liability lawsuit filed by the city of Cincinnati against a group of American handgun manufacturers, supposedly in an attempt to recoup millions of dollars spent by that city on police, emergency, court, and health care services in response to "gun-related violence."

"Supposedly," since such calculations rarely take into account the compensating benefits to the economy from the reduction in crime and personal injuries attributed to the deterrent effect of law-abiding Americans possessing legal arms for self-defense -- attributed, mind

you, by such esteemed researchers as John R. Lott, Jr. and David B. Mustard ([http://hematite.com/dragon/Lott\\_ORDu.html](http://hematite.com/dragon/Lott_ORDu.html)) and David Kopel and Prof. Gary Kleck (<http://www.davekopel.org/2A/LawRev/LawyersGunsBurglar s.htm>), among others.

But the more important question here is whether our judges should be allowing (start ital)any(end ital) lawsuits to proceed which do not allege fraud, nor careless or willful production of defective products, but which rather attempt to bleed

perfectly legal American businesses for the "offense" of manufacturing perfectly legal products.

Such extortionate lawsuits are based, of course, on the theory that the proper, intended, and legal use of those products somehow generates a "cost" to municipalities -- when the truth is that most of those perceived "costs" are actually incurred when cities exceed their constitutional authority, adopting sundry socialized welfare schemes in which taxpayers pony up for the medical care of the indigent (once properly viewed as the exclusive domain of private charity.)

Meantime, even if we did buy into this "financial balance sheet" system of "costing out" our rights and freedoms -- and even if we were to ignore the financial benefits of self-defense firearms in (start ital)preventing(end ital) crimes -- can the collectivists really demonstrate that people who choose to smoke and drink to excess or who get into gun battles over drug distribution turf end up costing "society" more through these actions? In fact, the statistics reveal that heavy smokers and drinkers actually tend to die young, saving "society" huge sums "we" would otherwise spend caring for them in their geriatric years, while illicit drug dealers who get themselves shot dead thus spare "us" the millions of dollars it would otherwise likely cost "us" to keep them housed and fed in prison and their offspring similarly on the dole for the rest of their lives.

If we really want to permit a bunch of accountants in green eyeshades to decide which free choices we will still be "allowed," that is.

Lawyers for the gunmakers -- including Beretta U.S.A., Colt's Manufacturing Co. and Smith & Wesson Corp. -- warned the Ohio court that a ruling in Cincinnati's favor could quickly lead to the manufacturers of other legal products being held equally liable.

"Alcoholic beverage manufacturers, who also produce a legal product, would be held liable for misuse of alcohol in the city of Cincinnati," said attorney James Dorr. "The same thing with automobile manufacturers who have a generalized awareness that their automobiles are going to be involved in accidents."

The Ohio justices ignored this sensible warning, instead ruling 4-3 that an appeals court was wrong in dismissing the lawsuit and ordered the case back to Hamilton County Common Pleas Court. Justice Francis Sweeney contended the high court ruling does not imply the state Supreme Court necessarily believes Cincinnati will prevail in its lawsuit, but only that the city had enough facts on its side to be allowed to pursue its claims. But Chief Justice Thomas Moyer properly disagreed, arguing the alleged injuries that Cincinnati suffered are too far removed from the conduct of the gunmakers to give the city any reasonable right to sue.

## Announcements

### General Meeting: Candidate workshop

**When:** August 4th, 6:00 PM meeting

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

### Executive Committee Meeting:

**When:** Sunday, August 18th, 6:30 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 \$25 to:

Libertarian Party of Hawaii

625 Keawe St.

Honolulu, HI 96813 ☞

"The question is not whether the city can prove that it has suffered damages," the chief justice wrote in dissent, "but whether the city can prove that those damages are attributable to the wrongdoing of the gun manufacturers as opposed to other, independent factors."

Perhaps there will still turn out to be some ironic appropriateness in the fact that the city of Cincinnati's chosen symbol is the winged bronze pig. For even though the Queen City is among 30-odd counties and municipalities nationwide that have sued the firearms industry in recent years, state Supreme Courts in Florida, Connecticut and Louisiana have all dismissed the similar lawsuits there, leaving Cincinnati's as one of the last of these extortion plots still standing.

Those courts took seriously their role as "gatekeepers," charged with preventing overly creative class-action lawyers from using their courtrooms as charnel houses in which law-abiding defendant corporations can be hung on hooks, gutted, and skinned out.

It's all well and good to say, "The suit will probably fail on its merits, eventually." But the justices in Columbus surely know there's little "down side" even for plaintiffs who roll the liability dice and lose -- while in fact most such suits are settled long before they ever reach a jury, as even innocent defendants find little choice but to "cut their losses" and pay these hyenas to go away and stop picking off the weakest of the herd.

A new law that took effect in Ohio last October grants gunmakers immunity from such lawsuits -- but doesn't affect the Cincinnati case because it was enacted after the lawsuit in question was filed.

The new Ohio law strikes a sensible balance -- quite properly, gunmakers would still be held responsible for damage or injuries caused by defective weapons.

That's what the civil courts are for. To let them be used for anything else -- for extracting a pound of flesh from Anheuser-Busch because certain excessive drinkers develop liver disease, or from McDonald's because some folks who eat too many fries eventually develop diabetes -- is to risk paralyzing our entire economy in a cynical game of "who can pick the deepest pocket"? ☞

## **Family Court Issues TROs at Record Pace**

**By Guy Monahan**

I read a book once about a totalitarian government in the future that had a branch of authority that was responsible for fires; a fire department.

This fire department did not put out fires, it started them. Its purpose was to burn literature and prevent independent thought. The point of the book was to describe the nature of big, institutionalized government and the inevitable result of concentrated power in the hands of bureaucrats.

Perplexing and yet true to reality, the book's account mimics officials who will apply a defining name to an agency that, for the most part, does very little of what it claims to do and often does the exact opposite.

Such is the case, to some degree with the Hawaii institution known as Family Court.

The latest development to surface under the guise of "help for families" is a no-fuss, no-muss, one-stop, TRO (temporary restraining order) from agencies other than the court itself.

In the legal bag of tricks, TROs are sometimes simply used as leverage for a woman to prevail in divorce court. The intent is not to protect her from a dangerous man.

This may sound biased until one reads the article that appeared in the Honolulu Star Bulletin on Saturday, July 27, 2002.

Judy Sobin, executive director of Volunteer Legal Services Hawaii (one of the agencies now processing TROs) states, "We work with each victim individually.

"We will assess the situation individually and give her all the choices."

Hmmm ... You're not really assessing the situation individually, are you Ms. Sobin?

Particularly if the victim is a man.

Feminist conditioning assumes automatic guilt on the part of men, but a woman with the right weapon can be an effective aggressor. It is not uncommon for men to be victims of domestic violence and yet usually, regardless of innocence, they are the ones who are arrested. And it is this societal perception of men that cultivates a bureaucratic environment which readily arms women with TROs and demands little else in the way of evidence to justify issuance.

A judge doesn't want a female abuse victim resulting from his neglect in issuing a TRO, but there is a double standard if a man applies. It simply has to do with perception in the eyes of the public and the judges.

But here is the rub on Family Court, VLSH and AmeriCorp and why the new program is really "help for the agency." These organizations receive federal and state funding based on the number people that get processed through the system.

In true Orwellian fashion, they benefit from and actively aggravate domestic turmoil. TROs are all part of the family service agency's arsenal to "help themselves" to the plunder. ☞

## **One-Stop Shopping**

**By Richard O. Rowland**

A few months ago as the new Hawaii cigarette tax and stamp laws went into effect, we predicted the development of criminal smuggling. In essence, Hawaii's new law amounts to the creation of crime by statute. Our legislators, according to them, are intent on making us safe and secure. Instead, they create crime where peaceful exchange was taking place. And, to catch the new criminals, they are employing minors to entrap employees and as well as owners who fail to properly check ID's or affix stamps. The overall concept is to create a culture of snitches and snoops throughout our society to make enforcement easier. (Do Cuba or the USSR come to mind?)

Now, Bruce Bartlett, senior fellow at the National Center for Policy Analysis, has done a study which indicates:

Organized crime is moving into the cigarette smuggling business. For example, they are able to counterfeit tax stamps, which small-time operators cannot.

Terrorists have already capitalized on the opportunity, Hesbollah was convicted of running a multimillion-dollar smuggling operation out of North Carolina.

Increased smuggling will erode controls on minors purchasing cigarettes.

The new taxes will not yield much new revenue but will increase enforcement costs and distractions.

Can we now anticipate a black-market dealer in Chinatown, approached by a 17-year-old asking for cigarettes, responding: "One pack cigarettes -- 5 dollars; one joint pakalolo -- 7 dollars; one hit cocaine -- 10 dollars. Take your pick, one, two or all."

Looks like our fine legislators have created one-stop shopping efficiency for the wayward.

Should we reward them with re-election?

For details on Bruce Bartlett's study see: <http://www.ncpa.org> for his study dated 7/22/2002. ☞

## **Gas Price Fixing: The Truth** **By Sen. Fred Hemmings**

Recent newspaper articles about Democrat leaders getting behind price fixing legislation for gasoline prices only told half the story. This alleged pro-consumer legislation is indeed a Trojan horse. The facts are that under the one-party Democrat monopoly of our state, Hawaii consumers pay more for almost every commodity we consume.

When gas price fixing was discussed during the recent legislative session, I had my office quickly researched the price of Wheaties. We found that Wheaties cost 40 percent more on average in Hawaii than in similar size markets.

I sent out a humorous memorandum underscoring that the prices of most consumer products in Hawaii, including Wheaties cereal, were excessively above national average. But don't let common sense and fair play interfere with Democrat efforts to again fool the people of Hawaii.

Last election, Ben Cayetano created an issue by claiming that Hawaii's retail gas prices were too high. What he did not say was most prices are excessively high in Hawaii.

In order to create a campaign issue, the governor announced a major investigation and lawsuit against Hawaii's gas wholesalers. After years, and millions of dollars, the state settled for approximately 1 percent of what the lawsuit asked for. In legal circles such a settlement is seen as a major loss.

The state of Hawaii's accusations were political and could not stand test of the courts, yet the governor and Democrat legislators continued to try to make a campaign issue out of gas prices.

It also might be noted that in ensuing years because of increased competition in Hawaii -- Aloha Petroleum and Costco for instance -- prices are no longer more expensive than many mainland markets.

When Attorney General Earl Anzai presented the Democrats' foolhardy gas price fixing bill to the Legislature, I quickly computed what their retail price formula translated to for Hawaii. It was \$1.66 a gallon.

The day before I paid \$1.58 a gallon -- what an incredible shibai. The Democrats, who have destroyed Hawaii's economy, want to fix gas prices at a rate higher than we currently pay in Hawaii.

The whole concept of having government fix prices is called, at best, socialism. It just does not work to benefit the consumers. Yet, as an election year ploy the Democrats are beating the drum of consumer protection.

It is interesting to note that there is an energy form totally regulated by government. It is called electricity. Hawaii's electrical rates are, on average, 75 percent above national average.

This regulated industry and the resulting prices to consumers far exceed the "excesses" of gas prices. The gas price fixing effort will ultimately eliminate competition.

Many small dealers have stated in testimony that it will put them out of business. This market and its refineries are very small. Economies of scale may, in the future, dictate that it will no longer make sense for them to refine fuel in Hawaii if price fixing goes through.

Hence, we will be more dependent rather than independent. The root cause of our gas prices is a result of Democrat legislation. For instance, the people of Hawaii may not be aware, as Linda Lingle recently pointed out, that the state has laws that define how close gas stations can be situated near each other and to what groups or individuals that stations can be sold.

This discourages investment in gas stations and eliminates competition. How sad it is that desperate Democrats, who have caused our recent problems by destroying Hawaii's economy, once again are making an issue out of a problem they have created. Don't be fooled again Hawaii. ☞

### **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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