



WEST COAST LIBERTARIAN

The Newsletter of the Greater Vancouver Libertarian Association

March 1996

Volume 16, # 2

Exposé

Confessions of a Criminal Defence Lawyer

by Katharine Conway

Katharine Conway is the pseudonym of a Vancouver lawyer who wishes to remain anonymous.

I have been a lawyer for nearly 10 years, and for the last six I have acted almost exclusively as a criminal defence counsel. I'll defend anyone who asks me for my help. The whole area of the "justice system" has been a hot topic lately - what with Paul Bernardo, O. J. Simpson, and all those "crazed juveniles" out there. I would like to give you an insider's perspective on a few of the things I deal with every day.

Perhaps you would like to know how your hard earned tax dollars are spent in the pursuit of justice. First you should be aware that police often come to court to testify on their days off, or before or after their shifts begin. In both cases, they get paid overtime for appearing in court. If they do come to court during their shift, one has to wonder who is patrolling the streets. When I briefly acted as a federal prosecutor in 1986, I was routinely asked by RCMP officers to schedule trials on their days off so they could get the overtime.

Many federal prosecutors (they are the ones who prosecute federal statutes such as the *Narcotic Control Act*, *Food and Drug Act*, *Excise Act*, *Fisheries Act*, *Income Tax Act*, etc.) are private lawyers paid under contract at very juicy hourly rates. (I know, I did it for one year.) They bill for every minute they spend on a file, including such things as traveling to and from the courthouse. They have little incentive to decline to prosecute cases which are unlikely to succeed or are just plain stupid.

For example, in New Westminster Provincial Court one day, I noticed two New West police officers had been sitting in the courtroom since 1:30 p.m. (it now being after 4:00 p.m.). I asked them what they were doing and they told me that they were waiting for the

trial they were to testify in to start. They were there to testify against a young man for possession of *one-tenth* of a gram of marijuana - what is commonly called a roach (what is left *after* one has smoked a marijuana cigarette). The trial finally got started with less than 15 minutes of court time left. This meant that the trial had to be continued on another day, with two police officers either getting paid overtime or not patrolling your neighbourhood for another half day of court, a federal prosecutor getting paid handsomely by the hour, court staff, judge, sheriff, (you get the picture) - all over a piece of marijuana smaller than a pencil eraser.

I have also read enough police reports to tell you that it is very common for at least five police officers to be involved in the undercover purchase of a gram of marijuana, a quarter gram of cocaine or a tenth of a gram of heroin. I have seen up to eight police officers involved, but five is about the average.

The first officer will actually approach the seller (if it is a purchase on the street - not very common these days) or will make the call and arrange the meet (if it is a "dial-a-dope" purchase - where one simply orders one's narcotics over the phone and arranges for delivery like a pizza). There will be at least four other officers who
(continued on page 10)

In This Issue

Editorial	2
Ron Hamowy Supper Club Report	3
Liberty Snippets	4
A Declaration of the Independence of Cyberspace	9

Special Feature

My First Day as President by Harry Browne	6
---	---

West Coast Libertarian

is the official publication of the Greater Vancouver Libertarian Association (GVLA) The GVLA is a local constituency association of the Libertarian Party of Canada (LPC), 1 St. John's Road, Suite 301, Toronto, Ontario M6P 4C7. 416-763-3688 Fax: 416-763-5306

The LPC advocates a free market, civil liberties, self-responsibility, and drastically reduced government interference in our lives. Our fundamental principles forbid the initiation of force, fraud, or coercion against any person or group and we expect that government would accept these principles too.

Voting Membership of the GVLA or LPC requires the signing of our Statement of Principles.

As a registered political party, contributions to the GVLA or LPC qualifies for a tax credit.

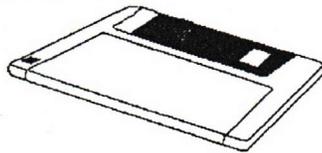
GVLA/LPC memberships are \$5 for 5 years. Subscription to the *West Coast Libertarian* is \$20/year in North America and \$25/year in the rest of the world. Membership and subscription inquiries should be sent to:

Bill Tomlinson
922 Cloverly Street,
North Vancouver, BC V7L 1N3
Voice: 604-980-7370
Fax: 604-980-6690

Articles of interest to libertarians are welcomed and encouraged. Please send letters, newspaper clippings, cartoons, copies of your letters to editors, original articles, upcoming events, etc. to:

Kerry Pearson
5760 Riverdale Drive,
Richmond, BC V7C 2E5
Voice & Fax: 604-244-7625
Email: lux_lucre@mindlink.bc.ca

Submissions must be typed and are encouraged by email or on:



3 1/2" IBM PC diskette in plain or ASCII format.

Unless otherwise noted, all original material may be reprinted freely accompanied by the following credit: **Reprinted with permission from the West Coast Libertarian, 922 Cloverly St., North Vancouver, BC V7L 1N3 (Annual Subscriptions: \$20).** A copy of the reprinted material would be appreciated.

Editor this issue: Marco den Ouden
Contributors: Katharine Conway, Gord Denusik, Kerry Pearson, Harry Browne & Paul Geddes

Editorial

The government doesn't believe in selling off white elephants otherwise it would have sold the CBC long ago. Instead it set up a commission to inquire into the future of our bloated Mothercorp.

The results of this commission were predictable, since they saw fit to appoint a professional bureaucrat and former CBC president, Pierre Juneau, to head it. The commission recommended that the CBC scrap its only profitable programming, namely sports and American shows, that it scrap its only non-governmental source of revenue, commercials, and instead devote itself one hundred per cent to producing boring crud that no one wants to watch and that a 7 1/2% special tax be levied on your cable TV and phone bills to pay for it.

A few days later, Heritage Minister Sheila (fetch the tequila) Copps pooh poohed Juneau's recommendations and came up with her own proposal. (Now lest Ms. Copps believe I'm maligning her with the "fetch the tequila" remark, let me assure her that the remark has no sexist intent. It's not a suggestion that she fetch us some tequila, as John Crosbie did a few years ago. No. What I am suggesting is that we fetch ourselves a tequila because we'll want to take a stiff belt after reading what her cockamamie proposal is.)

What did she suggest? That the government levy special taxes on the rental of videos and on movie and theater tickets. She actually suggested that Canadians may be willing to pay an extra 25 or 50 cents a movie rental.

"The public will support, financially and otherwise, Canadian culture if they feel there is a direct relationship between spending on culture (and any proposed tax)," she said.

"If people rent a video and are asked to pay, say, 25 cents for Canadian culture, I don't think they'd object to that."

I wonder what planet she thinks she's on! Not surprisingly, all polls taken on the subject showed Ms. Copps to be as out of step with the public as we always knew she was. An overwhelming majority rejected any new "culture" taxes.

There is only one solution for this blight they call the CBC and that is privatize it and eliminate the subsidies. Even giving the CBC away lock, stock and barrel to its employees would be better than continuing to bail it out to the tune of a billion dollars a year.

In fact, the latter would probably be the best solution to letting the CBC remain a viable entity. Currently the biggest problem faced by the CBC (besides lack of audience) is the fat engendered by its bureaucratic management and petty but powerful unions. If these bureaucrats and unionists owned the damned thing they would have a vested interest in making the CBC a lean and mean entertainment machine. They would have to choose between protecting their little fiefdoms or working for the good of the corporation.

So privatize, Sheila, privatize. You may be pleasantly surprised at the result, and we can raise the tequila in a toast instead of drowning our sorrows.

1995/96 GVLA Executive

President:	Kerry Pearson	244-7625
Vice President:	Lewis Dahlby	944-0981
Treasurer:	Brian Taylor	224-4628
Secretary:	Paul Geddes	944-2845

Dr. Hamowy Supper Club

by Gord Denusik

Dr. Ronald Hamowy, editor of the book *Dealing With Drugs*, has told Vancouver area libertarians that the possibility of drug legalization is "extremely remote", in part because of a new species of Puritanism that has taken hold in Canada.

On February 17th, 1996 Dr. Hamowy, professor of intellectual history at the University of Alberta, addressed one of the largest audiences ever to attend a GVLA Supper Club event. The long time libertarian spoke on the subject of drug prohibition, and afterward entertained the crowd with his characteristically acerbic answers to questions from members of the audience.

Dr. Hamowy began his speech with a short but thorough history of drug prohibition in North America. He noted that the original motivation to prohibit drugs was racist in origin (for example, opium was prohibited "to protect whites from what was commonly referred to as a loathsome Oriental vice"). He also pointed out that the 1980's War on Drugs did not result in a significant reduction in the number of drug users in the United States.

Hamowy utilized both practical arguments and natural rights theory to argue that drugs should be legalized. On practical grounds, Dr. Hamowy pointed out that legalization would reduce the number of deaths attributable to drug use (most deaths from drug use are a direct result of prohibition - persons buying illegal drugs cannot be sure what they are buying because there are no safeguards such as labels verifying the purity of the drug that would exist if such drugs were legally sold on the free market) and reduce crime (legalization would result in a reduction in the price of drugs therefore many users would not have to resort to crime to finance their purchase; as well, inner city drug wars would cease). From a natural rights perspective, Dr. Hamowy pointed out that individuals own their own bodies and therefore should have the freedom to choose what they eat, drink, smoke, etc..

Despite the strong arguments that favour drug legalization, Dr. Hamowy told the audience that the possibility of legalization was "extremely remote." In a fascinating part of his speech, Dr. Hamowy gave three major reasons for his pessimism.

The first reason given by Dr. Hamowy is the existence of a multi-million dollar drug prohibition industry that opposes legalization. According to Dr. Hamowy, many individuals, groups, and organizations are the direct beneficiaries of drug prohibition. For example, DEA

officers, federal crown prosecutors, law enforcement officials, and drug awareness organizations all have some significant self interest in ensuring that prohibition continues.

The second and third reasons cited by Dr. Hamowy explain the existence of a pliant public that generally favours prohibition. The second reason cited by Hamowy is a change in the use of language - according to Hamowy the language of ethics has been gradually replaced with the language of disease. This displacement of moral terminology with scientific terminology has created a situation in which the language of health rather than the language of morals is employed when discussing people and public policy issues. Thus, in the new language of science a person who commits a heinous crime is "sick" and in need of "treatment" rather than condemned as evil or bad.

Illegal drugs such as marijuana, cocaine and heroin are commonly referred to as "dangerous substances" and drug use is now routinely considered an "illness." Drug prohibition is thus justifiable to protect the "health" of society. If drug prohibition is in a person's "health interests", it matters not that the state is infringing on that person's liberty and freedom. The public justifies the infringement of liberties on the grounds that we are "helping" the person and promoting good health.

The third reason cited by Dr. Hamowy is the rise of a new Puritanism - "a bizarre combination of refusing to accept any responsibility for one's self while at the same time feeling qualified to tell everyone else what to do." According to Dr. Hamowy, if some people find the actions of others offensive, they consider the offensive actions an intrusion of one's own rights and thus consider it appropriate for the state to step in and prohibit such action. This is so even when the "offending activities" do not interfere with any other person's body or property. Drug use is an example of an action that is immoral and offensive to many, and the new puritans desire that the state intervene and prevent its occurrence. This is an attitude which leads in part to the "tyranny of the masses" and appears to be getting worse according to Hamowy.

In the question and answer period that followed his speech, Dr. Hamowy was asked many questions. Hamowy was questioned as to why homosexuality was escaping the new species of Puritanism as people were becoming more tolerant of sexual contact between
(Continued on page 8)



LIBERTY SNIPPETS

ISIL World Conference Update

Kurt Pokrandt and his merry band of conference organizers have been busy, busy, busy! If you haven't seen it yet, be sure to check out their superb professionally done full colour brochure. Speakers added since the last update include clinical psychologist Dr. Michael Edelstein, native leader and former LP leadership candidate Russell Means, Larry Dodge of the Fully Informed Jury Association, philosopher Dr. John Hospers and Ayn Rand biographer Barbara Branden. - MDO

Rothbard in the Globe & Mail

In his February 24th column, Terence Corcoran mentions the fact that "the late Murray Rothbard, a radical libertarian economist" was one of US Presidential candidate Patrick Buchanan's early economic advisers. Corcoran agrees that there might be legitimate reasons to oppose NAFTA and other international trade agreements (thousand-page bureaucratic documents). "However," continues Corcoran, "typical of the demagogue, Mr. Buchanan has taken only half of Mr. Rothbard's message - rip up the agreements - and ignored the essential other half, which is to adopt a true free-trade regime of tariff-free open borders."

Corcoran goes on to quote an unnamed former associate of Mr. Rothbard, that "Either (Buchanan) is evil or he is stupid." Which begs the more interesting question: how many former associates of Murray Rothbard, have enough of a Canadian connection to gossip with Terence Corcoran? Any guesses? - PG

D'Arcy Vs. Anti-tobacco Nazis

Both the Vancouver Sun (26 February) and the local Coquitlam

paper published D'Arcy's hard hitting attack on those who want to ban smoking in restaurants. To D'Arcy, the restaurants are private property and their owners should be entitled to set their own smoking policies. Private property rights will lead restaurant owners to strive to deliver to the public what it wants. If an owner sets the wrong policy, his business will suffer. Government bans on the other hand, coercively violate the rights of not just restaurant owners but also customers (who might want to smoke) and employees (who might be willing to put up with smoke for a higher income.) D'Arcy was the Libertarian Party candidate for the Mission-Coquitlam riding in 1993 federal election. If you would like to read more of D'Arcy's fine writing, call him at 936-4689 to order a sample issue of his private newsletter, *Canada in Review*. - PG

Neo-Nazis Hate Us

From, "Up Front: The Voice of the Heritage Front" (Sep 95)

"Boy, these *individualist insurgents* are sure getting in the way of *Pro-White Majority Activists*. This is scary, because they don't promote racial issues, just individual freedoms. This is degenerate, but what would expect of a philosophy articulated by *Ayn Rand (nee Rosenbaum)*? Stay away from Libertarians, they're evil! It's another Jewish plot I tell you!"

Comments Ken Wiebe:

I am rather proud of the fact that we don't promote racial issues! Sweet Jesus, what the hell is wrong with those idiots? Do they accept letters-to-the-editor? I'd like to thank them for spelling the word 'Libertarian' correctly, we can use all the publicity we can get and a negative reference from nazi pukes is the best present they could possibly give us.

Oh yeah... and remind them that they should grow up and recognize that Liberty applies to everyone, not just their twisted little nazi stormtroopers.

Sheesh! - VILA

Walter Block appears in the ECONOMIST, FORTUNE, etc.,

The Fraser Institute's latest book, *Economic Freedom of the World: 1975-1995*, by Gwartney, Lawson & Block, has stirred up much international attention. The *Economist* (January 13) devoted 3 pages to a very thorough review. According to the authors, there is a clear correlation between countries with economic freedom and those with high economic growth. The four countries with the most economic freedom are claimed to be Hong Kong, Singapore, New Zealand and the United States. Canada comes in ninth on the freedom scale just behind Thailand but above Japan. Much of the book is concerned with the theoretical difficulties of measuring economic freedom and the sources used for creating the freedom rankings. The book will be lots of fun for those interested in economic geography or wondering if the grass really is greener under a different set of despots. It is available from the Fraser Institute at 688-0221. - PG

Pravda (falsely) Advertises 'Libertarians'!

The promos for CBC's Morningside Show for February 9th warned the audience that some pretty esoteric 'libertarians' were going to be guests, but what a disappointment. After the typical jokes (are you libertines?) it turns out that the three guests (Barry Cooper for the University of Calgary, Brian Crawley from the Atlantic Institute for Market Studies and Devon Cross from the Donner (Continued on page 5)

Snippets (from page 4)

Foundation) were pretty tame neo-conservatives. Now, neo-conservatives are a vast improvement on Gzowski's usual guests but wouldn't you really love to hear someone rip into the sanctimonious immorality of Pravda's holier-and-better-than-thou tax eaters who actually believe they are entitled to live off of us? - PG

Constitutional Challenge of Narcotics Control Act Launched

In the summer of 1993, Randy Caine was sitting in his van with a friend calmly enjoying the after effects of a recently shared joint. The quiet afternoon was shattered by the invasion of a man with a gun - a police officer. Randy was searched, arrested, and taken to jail and charged with the possession of a roach (.5 gms of marijuana according to the court documents.) The complete story, in Randy's own words, appears in the April 1995 issue of *Cannabis Canada*.

The police however got more than they bargained for. Randy had never previously been in trouble with the law and was a stable, family man. Randy claims to be a proud man who didn't want his children to ever feel ashamed of him. So rather than taking the easy way out by pleading guilty and paying a small fine, he has decided to fight. He refuses to submit over something he doesn't think is wrong.

Through mutual friends, and sympathetic professors at SFU, he contacted a lawyer, John Conroy, who has been waiting for someone like Randy to come forward. This is the perfect "simple possession" case with no complicating circumstances. So a straight forward constitutional challenge of the legality of current laws has been launched as to whether the current laws are "in accordance with fundamental justice" and whether these laws pass "the proportionality test".

Randy and his witnesses have already provided two days of testimony before the Surrey Provincial Court last year and more witnesses (including Lester Grinspoon of the Drug Policy Foundation) are scheduled when testimony resumes March 8-11.

Here are a couple of ways you can help. Give moral support by attending court. Give financial help by contributing to The Randy Caine Trust Fund c/o John W. Conroy, 2459 Pauline St., Abbotsford, BC V2S 3S1. All contributions are tax deductible and his victory will be yours too.

A third way to help is to stop by Randy's new business. He opened a new coffee/snack bar called THE JOINT at 15151 Fraser Hwy (near 152 Ave.) in Surrey. This is the coffee shop featured in all those news stories because Surrey is refusing to issue it a business license. But stop by anyway. The atmosphere is pleasant and Randy will calmly serve you while explaining the status of his legal case.

He told me that there have been some benefits from the state's interference in his life. It woke him up. Before he would play the game of hiding his peaceful hobby from the authorities but now his life is much simpler and more honest. There is also the inner peace that comes from doing what he knows is right. Stop by. Randy is a great conversationalist (provided the JOINT isn't too busy.) - PG

Radio Stars!

Charles McLean, popular host of an evening radio talk show on 1040 AM had libertarian lawyer and writer Karen Selick as a guest on Feb. 5 and our own Paul Geddes as a guest on Feb. 16.

While McLean is more of a conservative than a libertarian, we never look a gift talk show appearance in the mouth! - MDO

PG = Paul Geddes
MDO = Marco den Ouden
VILA = Vancouver Island
Libertarian Association

STUDENTS!!

(enrolled in any BC school, college or university)

BINGO!

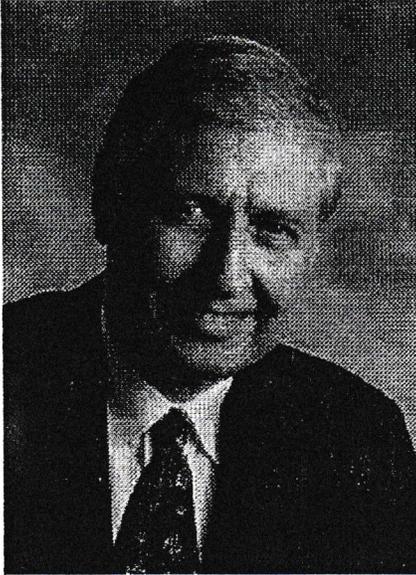


MAY YOUR WORDS

DRIVE A STAKE THROUGH THE HEART OF THE WELFARE/WARFARE/NANNY STATE!

Submit a 500 word essay on any topic of interest to libertarians and other lovers of liberty by March 29, 1996 to:
THE GREATER VANCOUVER LIBERTARIAN ASSOCIATION
922 Cloverley St., N. Vancouver, BC V7L 1N3
PH: 944-2845

(top prize is a \$150 bursary & publication in the *West Coast Libertarian*)



Harry Browne

Why Government Doesn't Work: A Review by Marco den Ouden

Investment advisor, best-selling author and longtime libertarian Harry Browne has launched a multi-faceted campaign for the Presidency of the United States.

His Home Page on the Internet's World Wide Web is colorful and packed chock full of information. He has handled himself well in television interviews, recently appearing on Donahue during the New Hampshire primaries.

But perhaps the best thing about Harry's campaign is his new book. In print he is a brilliant analyst and proselytizer. I remember reading his first book, *How to Profit from the Coming Devaluation*, in 1972 and marveling at the clarity with which he explained the concepts of money and inflation. It remains the best exposition of the subject I have read. Harry hasn't lost his touch over the years.

Why Government Doesn't Work is a persuasive book that goes beyond merely complaining about too much government to arguing in detail that government simply does not work. It cannot work by its very nature.

(Continued on page 7)

My First Day as President

by Harry Browne

adapted from Ch. 27 *What The President Can Do* of *Why Government Doesn't Work*
reprinted by permission of the author

I am running for President of the United States. If elected, I will set to work immediately to make this a freer, safer, more prosperous country -- and I won't have to wait for the help of Congress.

For example, the President by himself can do a great deal to reduce crime in America. By releasing the non-violent federal prisoners, we can increase the prison space available for child molesters, rapists, murderers, muggers, and other violent criminals. This is something the President can do about crime without raising your taxes, taking your guns, or stealing your civil liberties.

So on my first day in office, by Executive Order, I will personally:

- Pardon everyone who has been convicted solely on a federal tax-evasion charge, order the immediate release of those in prison, and restore their civil and voting rights.
- Pardon everyone who has been convicted solely on a federal non-violent drug charge, order the immediate release of those in prison, and restore their civil and voting rights.
- Pardon everyone who has been convicted solely on any federal gun-control charge, order the immediate release of those in prison, and restore their civil and voting rights.
- Instruct the Attorney General to prepare a roster of persons convicted solely of federal victimless crimes, so that I can pardon them, too.

Federal law enforcement agents, prosecutors, and judges will get the message immediately: We are interested only in getting the violent criminals off the streets. Don't waste your time and the taxpayers' money prosecuting people who haven't intruded on anyone's person or property. We need the prison space to house the people who are terrorizing our citizens.

Since there are no federal violent crimes listed in the Constitution (except for piracy), there will be a great deal of prison space available after the pardons. So we can help reduce the federal debt by selling unneeded federal prisons to state governments that do need them.

There are other steps I can take the first day in office:

- End federal affirmative action. End all federal quotas, set-asides, preferential treatments, and other discriminatory practices of the federal government.
 - Establish a policy to penalize, dismiss, or even prosecute any federal officer who violates the Bill of Rights in dealing with citizens.
 - Bring an immediate end to all federal asset-forfeiture cases, and initiate steps to make restitution to anyone whose property has been impounded, frozen, or seized by the federal government. Over 80% of such seizures occur when no one has even been charged with a crime.
 - As Commander-in-Chief of the Armed Forces, I will quickly and
- (continued on page 7)

First Day (from page 6)

- completely remove all American troops from foreign soil. Europe and Japan can pay for their own defense, and they can risk their own sons daughters in their eternal squabbles. This alone will save billions of dollars a year in taxes, but – more important – it will save American lives.
- As Commander-in-Chief I will remove all American troops from United Nations' operations.
- Everything put into the Federal Register by previous Presidents can be taken out by this President. I will put a hold on regulatory activities while my staff reviews the Constitutionality of all existing regulations.

Editor's Note: And that's just his first day! Read the book for details on the rest of his plans!

**Book Review** (from page 6)

As in *Devaluation* where he started out by asking the question "What is money?", Harry starts off his new book by answering the question "What is government?" The answer, of course, is that government is force. He shows that behind every law or decree is the power of coercion. Using the example of an innocuous law mandating that barbers charge a minimum of \$8 for a haircut, Harry shows that ultimately, a gun enforces this law, as it does every law.

He goes on to show why this trade in compulsion inevitably leads to unintended consequences as more and more people decide to use government to force their own pet ideas and projects on the rest of the populace. The result: programs that don't do what they were meant to do and an ever growing government.

Harry traces the growth of the American government through four critical stages of American history. He argues that the Constitution has been subverted. He relates horror story after horror story of government gone mad.

27 armed men smash into Donald Scott's house in Malibu, California on October 2, 1992, shooting Scott dead. Someone had falsely claimed he was growing marijuana.

Billy Munnerylyn goes bankrupt after the DEA seizes one of his planes because one of his passengers was, unbeknownst to Munnerylyn, a drug trafficker. And the horror stories go on.

Harry then tackles in detail several big issues - health care, welfare, education, crime and national defense. It may surprise some libertarians when Harry Browne argues that government can't even fight crime effectively. But he is relentless in his theme. "Government doesn't work." Not at anything, not even at fighting crime!

Harry argues that we are approaching the end of the road. The Republicans have sung the libertarian song and failed to dance to the tune. Government can only be tamed by acting now and electing a real Libertarian president.

But he's not just talking through his hat. Harry lays out a detailed plan to eliminate almost all taxes, to eliminate the national debt and to properly fund government's social security obligations by selling assets and purchasing annuities. His plan is breathtaking in its scope and daring.

After years of seeing libertarian parties water down their platforms with calls for flat taxes, vouchers for education, "less" government and so on, it is positively inspiring to read Harry's book. He presents a detailed, plausible and thoroughly libertarian blueprint for America's future. Read it. Enjoy!

Harry Browne's book **Why Government Doesn't Work** can be purchased from *Laissez Faire Books* and most major book dealers.



Some Quotes From the Book!

"The distinctive feature of government is *coercion* - the use of force and the threat of force to win obedience.....And by "force" I mean the real thing - the kind that hurts people."

"Each government program carries within it the seeds of future programs that will be 'needed' to clean up the mess the first program creates."

"If government, the agency of coercion, is a tool that can achieve your worthy ends, why shouldn't other people see it as the tool to achieve *their* purposes - including people who are thieves, bigots, politicians, mass murderers, bureaucrats, and judges?"

"*The seeds of today's runaway government were planted when it was decided that government should help those who can't help themselves.*"

"Innocence is no protection when the IRS comes calling....*Money* magazine estimated that almost half of all penalty notices the IRS mails are incorrect, and that the IRS collects up to \$7 billion in mistaken penalties each year."

"Each increase in coercion is easier to justify. If it's right to force banks to report your finances to the government, then it's right to force you to justify the cash in your pocket at the airport. If it's right to take property from the rich to give to the poor, then it's right to take your property for the salt marsh harvest mouse."

"Government doesn't work!"

Hamowy (from page 3)

consenting adults, while the opposite was true with respect to drugs where the state was engaged in ever popular programs like the "War on Drugs".

Hamowy responded that the two were not comparable, and expanded on his answer after some persistent questioning. Hamowy cautioned that the tolerance level of drug use and the tolerance level for homosexual conduct may not be as divergent as some might think. Hamowy was of the view that there was still a substantial minority, perhaps majority, who were to varying degrees intolerant toward homosexuals. Nevertheless, Hamowy also pointed out that there was no large industry or special interest groups who had a vested financial interest in any continuing prohibition on homosexuality. He compared this with the drug question where there were such vested groups. Hamowy also noted that the establishment (mainstream press, television and radio media, entertainment industry stars, etc.) had generally accepted homosexuality and this ultimately impacted on how governments responded to the issue.

Drug legalization was not the only issue discussed in the question and answer period. Many questions were asked of the intellectual figures Dr. Hamowy has met and worked with during his career. A sampling of Dr. Hamowy's responses:

- On getting along with Ayn Rand: "You did not get along with Ayn Rand. You either worshipped her or you hated her."
- On Milton Friedman and Austrianism: "Friedman did not consider Austrian economics a reputable school of economics. As a result he did not hold Hayek or Mises in high regard as economists."
- On Ludwig Von Mises: "A brilliant central European intellectual. Mises was a very warm and pleasant person...I consider it one of the great honours of my life to have had the opportunity to know him."
- On former Randian and U.S. Federal Reserve Chairman Alan Greenspan: "I only met him twice - in my opinion that's two times too many."
- On Sir Isaiah Berlin: "Very well read, extremely erudite, charming, witty and held great parties. He made my two years at Oxford a delight."

Hamowy finished the evening by autographing books, to bring to a close a very successful supper club event. The only complaint was that the event was not longer and the format did not allow for much in depth discussion of libertarian thought. Hamowy himself regretted this fact afterwards, and expressed an interest in the possibility of hosting a seminar or two during any subsequent return to Vancouver.

A Preamble to...

by John Perry Barlow

Editor's note: *On Feb. 7 President Clinton signed into law the new Telecommunications Reform Act. spawning an Internet week of protest in which many, maybe even most WWW Home Pages turned their backgrounds black. And it resulted in the ongoing Internet Blue Ribbon campaign for free speech in Cyberspace. John Barlow is co-founder of the Electronic Frontier Foundation and a former lyricist for the Grateful Dead. He penned the following introduction to his declaration on the next page.*

February 8, 1996

Yesterday, that great invertebrate in the White House signed into the law the Telecom "Reform" Act of 1996, while Tipper Gore took digital photographs of the proceedings to be included in a book called "24 Hours in Cyberspace."

I had also been asked to participate in the creation of this book by writing something appropriate to the moment. Given the atrocity that this legislation would seek to inflict on the Net, I decided it was as good a time as any to dump some tea in the virtual harbor.

After all, the Telecom "Reform" Act, which passed in the Senate with only 5 dissenting votes, makes it unlawful, and punishable by a \$250,000 fine to say "shit" online. Or, for that matter, to say any of the other 7 dirty words prohibited in broadcast media. Or to discuss abortion openly. Or to talk about any bodily function in any but the most clinical terms.

It attempts to place more restrictive constraints on the conversation in Cyberspace than presently exist in the Senate cafeteria, where I have dined and heard colorful indecencies spoken by United States senators on every occasion I did.

This bill was enacted upon us by people who haven't the slightest idea who we are or where our conversation is being conducted. It is, as my good friend and *Wired* Editor Louis Rossetto put it, as though "the illiterate could tell you what to read."

Well, fuck them.

Or, more to the point, let us now take our leave of them. They have declared war on Cyberspace. Let us show them how cunning, baffling, and powerful we can be in our own defense.

I have written something (with characteristic grandiosity) that I hope will become one of many means to this end. If you find it useful, I hope you will pass it on as widely as possible. You can leave my name off it if you like, because I don't care about the credit. I really don't.

But I do hope this cry will echo across Cyberspace, changing and growing and self-replicating, until it becomes a great shout equal to the idiocy they have just inflicted upon us. **I give you...**

A Declaration of the Independence of Cyberspace

by John Perry Barlow <barlow@eff.org>

Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have no sovereignty where we gather.

We have no elected government, nor are we likely to have one, so I address you with no greater authority than that with which liberty itself always speaks. I declare the global social space we are building to be naturally independent of the tyrannies you seek to impose on us. You have no moral right to rule us nor do you possess any methods of enforcement we have true reason to fear.

Governments derive their just powers from the consent of the governed. You have neither solicited nor received ours. We did not invite you. You do not know us, nor do you know our world. Cyberspace does not lie within your borders. Do not think that you can build it, as though it were a public construction project. You cannot. It is an act of nature and it grows itself through our collective actions.

You have not engaged in our great and gathering conversation, nor did you create the wealth of our marketplaces. You do not know our culture, our ethics, or the unwritten codes that already provide our society more order than could be obtained by any of your impositions.

You claim there are problems among us that you need to solve. You use this claim as an excuse to invade our precincts. Many of these problems don't exist. Where there are real conflicts, where there are wrongs, we will identify them and address them by our means. We are forming our own Social Contract. This governance will arise according to the conditions of our world, not yours. Our world is different.

Cyberspace consists of transactions, relationships, and thought itself, arrayed like a standing wave in the web of our communications. Ours is a world that is both everywhere and nowhere, but it is not where bodies live.

We are creating a world that all may enter without privilege or prejudice accorded by race, economic power, military force, or station of birth.

We are creating a world where anyone, anywhere may express his or her beliefs, no matter how singular, without fear of being coerced into silence or conformity.

Your legal concepts of property, expression, identity, movement, and context do not apply to us. They are all based on matter, and there is no matter here.

Our identities have no bodies, so, unlike you, we cannot obtain order by physical coercion. We believe that from ethics, enlightened self-interest, and the commonweal, our governance will emerge. Our identities may be distributed across many of your jurisdictions. The only law that all our constituent cultures would generally recognize is the Golden Rule. We hope we will be able to build our particular solutions on that basis. But we cannot accept the solutions you are attempting to impose.

In the United States, you have today created a law, the Telecommunications Reform Act, which repudiates your own Constitution and insults the dreams of Jefferson, Washington, Mill, Madison, DeToqueville, and Brandeis. These dreams must now be born anew in us.

You are terrified of your own children, since they are natives in a world where you will always be immigrants. Because you fear them, you entrust your bureaucracies with the parental responsibilities you are too cowardly to confront yourselves. In our world, all the sentiments and expressions of humanity, from the debasing to the angelic, are parts of a seamless whole, the global conversation of bits. We cannot separate the air that chokes from the air upon which wings beat.

In China, Germany, France, Russia, Singapore, Italy and the United States, you are trying to ward off the virus of liberty by erecting guard posts at the frontiers of Cyberspace. These may keep out the contagion for a small time, but they will not work in a world that will soon be blanketed in bit-bearing media.

Your increasingly obsolete information industries would perpetuate themselves by proposing laws, in America and elsewhere, that claim to own speech itself throughout the world. These laws would declare ideas to be another industrial product, no more noble than pig iron. In our world, whatever the human mind may create can be reproduced and distributed infinitely at no cost. The global conveyance of thought no longer requires your factories to accomplish.

These increasingly hostile and colonial measures place us in the same position as those previous lovers of freedom and self-determination who had to reject the authorities of distant, uninformed powers. We must declare our virtual selves immune to your sovereignty, even as we continue to consent to your rule over our bodies. We will spread ourselves across the Planet so that no one can arrest our thoughts.

We will create a civilization of the Mind in Cyberspace. May it be more humane and fair than the world your governments have made before.

Davos, Switzerland February 8, 1996

Exposé (from page 1)

make observations from every angle. This ensures two things: (1) that the accused will not escape after the sale; and (2) it maximizes the number of police officers who get on the "overtime gravy-train". I have actually read police reports where it took three police officers (not including the one who made the drug purchase, nor the observers) to arrest and to search the vendor of one gram of marijuana. One officer arrested the accused and read him his rights, while one officer searched his right pockets to find the rest of the man's inventory of drugs, and another searched his left pockets to recover the "buy money" - a whopping ten dollars.

I forgot to tell you that these five to eight police officers start their twelve hour shift with a lengthy dinner in order to discuss their strategy. Only then do they go out and start making drug arrests. Most nights they will make one or , if really pushing it, two arrests. That means for those twelve hours, these officers are not walking a beat, or driving patrol in your neighbourhood, or available to answer a call for help to your home.

I recently attended the Libertarian Supper Club meetings at which Prof. Neil Boyd and Dr. Ronald Hamowy spoke in favour of abolishing our drug laws. I agree with them absolutely. I have often said, and so have many police officers and sheriffs to whom I have spoken "off the record", that if they ever legalize drugs we are all out of a job.

"Now the girls are not stupid. They want to make sure that these guys are not cops. The police officer has to allow the hooker to grab his crotch or he has to grab the hooker's breast."

Now, let me tell you about the vice squad. Not so much in the last year - the police have shifted their focus, as they do when pressured by various interest groups - but prior to that, all night, every night, police officers would go out and arrest street prostitutes. As you may know, prostitution is not illegal in Canada, only *communicating* for the purpose of prostitution *in a public place* is. (Does this strike anyone else as terribly 'Canadian' ? It's O.K. to sell sex for money, we just don't want to talk about it.) So, in order to arrest the hookers, officers drive around (in lovely brand new leased Jeep Cherokees or Jimmys) and pick them up.

Now the girls are not stupid. They want to make sure that these guys are not cops (they also operate under some weird notion that cops are not allowed to lie), so they ask for proof. The police officer either has to allow the hooker to grab his crotch or he has to grab (under the shirt) the hooker's breast. Aren't you proud these things are being done in your name and with your tax dollars?

Categories of Crime

In my experience the vast majority of crimes break

down into the following categories:

- 1) alcohol related offences
- 2) drug related offences
- 3) 'otherwise nice people' offences
- 4) 'true criminals' offences
- 5) offences committed by juveniles

There are, of course, the crimes of pure greed (e.g. stock fraud, large scale credit card fraud, counterfeiting, and the like), but these are either remarkably rare or surprisingly hard to catch.

"It is amazingly cheap to accommodate one's alcohol addiction. (But) let's face it. You better be doing something that is going to generate a fair bit of income if you're going to be a junkie."

Alcohol related offences encompass such things as the drunk stumbling and falling through a window (mischief), fights (assault), and shoplifting (theft either of food, because he's spent all his money already on alcohol, or of alcohol). These offences are committed by someone who is addicted to alcohol.

While someone may do lots of stupid things while he's drunk, many of those things really fall into category 3 or 4. I have often spoken on behalf of a client who is an alcoholic and I have *never* had to say that my client robbed a bank or convenience store, broke into someone's house or knocked someone down in the street for his wallet because he was an alcoholic. It is amazingly cheap to accommodate one's alcohol addiction, particularly if one is not too picky. You can be on welfare and be an alcoholic without having to resort to serious crime to supplement your income.

Drug related offences are robbery, breaking and entering, stealing purses and using the credit cards, selling drugs and prostitution. Let's face it. You better be doing something that is going to generate a fair bit of income if you're going to be a junkie. I have had clients who used up to \$1200 per day of heroin. That is, however, the exception. It is more common to have heroin or cocaine users requiring something in the area of \$100 to \$300 per day. That's still a lot of money. When you figure out the discount on stolen property, you would have to steal anywhere from \$200 to \$1000 per day to keep up your habit. I have only ever had two clients who earned enough from their jobs to support their habits without resorting to crime. *All* the rest had to.

'Otherwise nice people' offences are such things as drunk driving (this may overlap with the alcohol related), and domestic abuse. These crimes cross all barriers - race, age, income, addictions, education. I don't want you to think that I think these offences aren't serious, but they really sometimes do happen to 'otherwise nice people'.

(Continued on page 11)

Exposé (from page 10)

In my opinion, true criminal offences (the kinds of things committed by someone who is not doing it to support a drug habit and may actually be dangerous to you and me) are such things as planned murder and some sexual offences. The reason I say "some" is that under new legislation (thank you Kim Campbell!) I have had clients charged with sexual assault for patting a woman's behind. If you have sexual relations with someone whom the law deems is "incapable of consenting to the activity", as for example, after a few drinks, that's a sexual assault. No, I mean *real* sexual assault - the one that used to be called rape, or any sexual assault of children. These offences are relatively rare, although they get a disproportionate share of media attention.

When I was in high school if kids got into a fight, they were sent to the principal's office, their parents' were notified, and maybe, they were given detention or suspended for a week. Now they get charged with assault.

Offences committed by juveniles are generally car thefts (there is some organized, commercially oriented car theft, but the majority of car thefts are by kids), and shoplifting (most often done by teenage girls who usually steal cosmetics or small pieces of costume jewelry). The stuff that we are hearing about in the media - "roving gangs of crazed teenagers" stuff - is really unexplainable and not all that common. Maybe there is a breakdown in the morals of the family, or maybe they have lost hope for the future, or ... who knows.

What I can tell you is that the system that presently deals with kids committing crimes is seriously in need of an overhaul. At least in Vancouver, all eastside high schools have a full time police officer who is stationed in the school. If a fight breaks out in the schoolyard, it is referred to the police officer. When I was in high school if kids got into a fight, they were sent to the principal's office, their parents' were notified, and maybe, they were given detention or suspended for a week. Now they get charged with assault.

I had a client (14 years old) who was charged with robbery because he and his friend picked on the class nerd and told him if he didn't give his baseball hat to my client he "would be sorry". Then my client took the hat off the other kid's head. Technically it is a 'robbery' because any theft accompanied by a threat of violence is robbery. Another client was charged with breaking and entering when he (another dangerous 14 year old) crawled under a partially open garage door behind a corner grocery store and stole a case of 12 empty pop bottles, and then took them into the store to try to get the deposit money. Now, the judges on these cases, fortunately, saw these cases for what they were - cases

that would, in years past, have been dealt with by the parents or the schools and not by the criminal justice system. These kids were all given slaps on the wrists.

The real harm in prosecuting these kids for such foolish acts is two fold: (1) the public simply hears about another breaking and entering or robbery, and not the facts of the cases, which further perpetuates the myth of "roving gangs of crazed teenagers"; and (2) the kids see only that they get virtually no punishment for crimes as serious as robbery, and breaking and entering. These young people learn from their experience with the criminal justice system that it's a joke - they charge you with really stupid things and you don't get punished very much.

Truly serious crimes should be dealt with appropriately, but the things that are basically just kids being kids (i.e. stupid) should be handled outside the criminal justice system.

In order to start addressing the threat to our society from true criminals, I think we have to get rid of the other ones. Once drugs are legal in this country, we can actually begin to assess how large our criminal problem is. Until then, we simply turn large numbers of people into criminals by artificially inflating the price of a substance without which those people do not think they can live. As far as they are concerned, they really don't see that they have much choice in the matter. Withdrawal from narcotics is not just going to be uncomfortable or make you kind of grouchy for a few days or weeks. It is a horrible, physically painful experience. My clients would pretty much do anything not to have to go through it.

Some people would argue that by sending addicts to jail we can give them the help they need to clean up. There are just two problems with that. First, no one cleans up until he's ready. A person may go through physical withdrawal, but without a very high level of commitment, which can only come from the person, he won't stay off drugs. Second, there are at least as many drugs in prison as outside. Recently Corrections Canada (the federal bureaucracy in charge of the prisons) put forward plans to supply inmates with bleach to clean their needles. It seems the rate of HIV infection is getting so high that the government felt it necessary to take this extreme step of blowing the cover off the great myth of rehabilitation in jail.

As a defence lawyer I stand up in front of judges every day and urge them not to send my client to jail. I do so because I see it as wrong to punish someone for a crime which would not have occurred but for the inane drug laws

Another problem that results from the criminalization of drugs is that the punishment for offences becomes distorted. As a defence lawyer I stand up in front of
(Continued on page 12)

Exposé (from page 11)

judges every day and urge them not to send my client to jail, or to send them for shorter periods of time than the public might think appropriate. I do so, in part because I don't believe anyone comes out of jail better than he went in, but largely because I see it as wrong to punish someone for a crime which would not have occurred but for the inane drug laws. I am often successful in making the judge see my client as someone who is sick and not as someone who is really bad.

The problem is that a person who robs banks should be punished. On the other hand, is it right to send someone away for something they did because they are addicted to a substance "society" has chosen to make artificially expensive? If drugs were legal and the excuse of drug addiction were not available to an accused, we could then seriously address the issue of what would be moral and proper penalties for offences. Until that happens, someone like me is going to try to convince a judge that it is wrong to treat my criminal clients like criminals.

Now I realize I am painting some very broad strokes here, but, the foregoing generally reflects my experience in the criminal courts. For me the bottom line is that if drugs were legalized (besides my having to line up with all the out of work prison guards, sheriffs, police and lawyers) we would all be a lot safer in our homes and walking our streets.

I would never have believed that I would see the fall of the Berlin Wall, and yet I did. I know that this is a fight we can win once people get over the hurdle of all the societal rhetoric and propaganda. When you actually talk to people about their fears and point out the *real* problems associated with the drug laws, many people are surprisingly receptive. We must keep the topic in people's faces and get them used to the idea. I would urge you to support in any way that you can the legalization of drugs.

GVLA Calendar

- Mar. 9 Jan Narveson Supper Club
details in box at right
- Mar. 14 - 7:00 PM ISIL Conference Meeting
at Kurt Pokrandt's call 926-0396 for details
- April 14 - 10:00 AM GVLA Executive Meeting
at Paul Geddes' call 944-2845 for details

Deadline:

Next Issue: April 8

Narveson to Speak March 9

by Paul Geddes

University of Waterloo philosophy professor Jan Narveson, author of *The Libertarian Idea* (Temple, 1988) will be in Vancouver, Saturday March 9th to speak to our Libertarian Supper Club. Narveson was known as Canada's foremost utilitarian until he ran into the work of philosopher David Gauthier (see his *Morals by Agreement* (Oxford, 1986)). Gauthier hypothesizes that principles of morality are those rules for directing everyone's conduct which it is reasonable for everyone to accept. These are the rules that everyone has good reason for wanting everyone to act on. Gauthier (and Narveson) call this view 'contractarianism'. What Narveson has added to Gauthier is that the political idea that best fits with contractarianism is libertarianism and also that contractarianism provides the best foundation for libertarian political beliefs.

Professor Narveson was born in Minnesota, educated at Chicago and Harvard and came to the University of Waterloo in 1963. He writes prolifically. His philosophy text *Moral Matters* was published in 1993. Last year he jointly authored (with Marilyn Friedman) *Political Correctness; For and Against*. His next work *For and Against the State* which he has co-edited with Jack Sanders will be published this year. Along with his busy academic schedule, Professor Narveson also manages a music concert series (primarily chamber music and string quartets) out of his home.

For a quick introduction to Professor Narveson's political ideas, see the Winter 1992 issue of *Critical Review* in which Professor Narveson defends contractarianism and libertarianism from Jeffrey Friedman's 'postmodernism' & 'postlibertarianism'. Phone Paul Geddes at 944-2845 if you would like a copy of this 40 page article.

SUPPER CLUB ANNOUNCEMENT

- Speaker:** Professor Jan Narveson, Department of Philosophy, University of Waterloo
- Topic:** "Foundations for Libertarianism: A critique of the Natural Rights Position"
- Where:** ABC Family Restaurant (Banquet Room) 3580 #3 Road, Richmond (ph: 276-922)
- When:** Saturday, March 9 at 7:00 pm (Yes it's a little late because Professor Narveson is arriving from Victoria on the 5:00 ferry)
- Price:** \$2 to the GVLA, then order individually from the menu (most entrees are between \$6 and \$9)
- Reservations:** Phone Paul 944-2845 or Bill 980-7370.

