



NEW JERSEY LIBERTARIAN

NEW JERSEY LIBERTARIAN PARTY • P.O. BOX 56 • TENNENT, N.J. 07763

*** JANUARY 1986 ***

CALENDAR OF EVENTS

January 22-- NJLP State Committee Meeting, 6:30 PM at The Jade Pagoda, Route 1, Edison. All NJLP members are welcome to attend. Call Rick at 201/249-7649 for directions.

March 22-- NJLP ANNUAL STATE CONVENTION, Moffa's Farm Restaurant, Almonesson Rd., Blenheim, NJ. David Bergland and Frank May are confirmed speakers with at least three more speakers to be announced. Cost: \$35, \$40 at door. Full information and registration forms in February New Jersey Libertarian. Phone Jerry at 609/783-4306 for information.

Every Wednesday-- Libertarian Discussion Club, 6:30 PM, The Jade Pagoda, Route 1 South, Edison. For info and directions call 609/466-1722 (Danny) or 249-7649 (Rick).

Every Tuesday-- NJ Americans for Constitutional Taxation (ACT) free public meeting, 7 PM, Moffa's Farm Restaurant, Almonesson Rd., Blenheim. Call 609/HAD-ENUF for info.

2nd Thursday of each month-- Constitutional Freedom Committee meeting, 8 PM, Ollie's Restaurant, Route 9 and Tilton Rd., Northfield, NJ. Guest anti-tax speaker at each meeting. Call 609/927-2320 after 5 PM for details.

NJLP STATE COMMITTEE MEETING

by Rick Hoegberg

The Steering committee met at the Jade Pagoda on 12/18/85. The meeting was called to order at 7:45 PM. Present were Maiullo, Kaplan, Friedlander & Hoegberg. Absent were Flynn, Swirsky & White.

Orders of business.

* No reading of the previous meeting's minutes since the secretary was absent.

* The treasurer's report was unavailable (tsk tsk).

* Ken & Steve volunteered to co-chair 2 campaign committees, (a) for State & local offices (b) for federal offices.

* Gerry Zeldin who has expressed a desire to chair the 1986 convention was thusly appointed. As per standard procedure, his proposed program is subject to approval by the steering or State committee, whichever is in session at the time. Passed 3, 1 abstention.

* Formal note of appreciation & congratulations to our outgoing chair Danny Maiullo for; his fine job of chairing the NJLP, passing the bar exam, his move to Illinois & forthcoming marriage to Deirdre.

* Steve Friedlander vice chair is pushed up the rungs of power & is our new chair.

* 1000 more of the popular "tip" cards are available with the new state party phone # on it.

* Received from our 1984 presidential candidate Dave Bergland was a memo to all state parties, informing us of US HR 2320, which proposes to set a uniform ballot access standard for all federal offices. (See article elsewhere in this issue).

* Rick was authorized to procure another 100 of the pamphlet "Libertarianism in 1 lesson" which has proved very popular in outreach to new members. (Unanimous)

Libertarian Supper club by Rick Hoegberg

I can't remember how long we've been having weekly meetings at Patti's in New Brunswick, but on the whole, attendance has been good (approx half a dozen). I've certainly enjoyed them. However, so as to have a change in scenery, the time & place have been changed.

Henceforth, meetings are every Wednesday, 6:30 PM at the Jade Pagoda on Rt 1 South in Edison. The Jade is located about 1.5 miles north of the interchange with Rt 18, & about 100 yards south of where Plainfield Ave crosses Rt 1.

As an added interest, on the same night in the same place at 7:30 each week, NJ Americans for Constitutional Taxation (NJACT) will hold their public outreach meetings.

So come on over Wednesdays, enjoy the company of some active libertarians, some dedicated tax patriots, have some good Chinese food, a drink or two & a good time!

BERGEN COUNTY LIBERTARIAN PARTY RETURNS!

Yes! After a year-long hiatus, the BCLP is back and is planning to hold a number of events for members and non-members alike. To begin with, a "Joseph Stalin Award" program has been started to honor those persons in New Jersey who are doing their most to stamp out rampant liberty in the Garden State. The January Award will be issued some time in February after the BCLP's members have had a chance to vote on their favorite villain. A "Certificate of Achievement" will be sent to the recipient and press releases will be issued to the media.

In April, a Tax Protest Day rally is being organized and we already have several volunteers. If you wish to join in the festivities, contact me at the below listed number. The group of us will be going to Hackensack, NJ (the seat of the County government) and we will have signs proclaiming "Taxation Is Theft!" and "Honk If You Hate Taxes!" while we will be handing out thousands of brochures. Press releases will also be sent out for this event and as the Bergen Record is just around the corner, no doubt we will get some coverage.

For July, we are planning the first annual mini-convention, called the "LIBER-T-Q" and it will feature food and refreshments along with guest speakers, awards, and prizes. Call me for more information or see the ad in this issue of the Libertarian. The cost is \$10 for adults and \$5 for children under 12 and you can eat and drink all that you are able to. As an act of penance to those people who joined the BCLP last year only to find me run into a severe case of burnout, each of you will be entitled to attend for half-price! And for prospective members, dues is only \$5 per year.

Being tentatively scheduled for the month of September, a back-to-school rally at local high schools. Activists will pass out LP position papers on such issues as our opposition to draft registration, the 21-year-old drinking age, and perhaps the seat-belt law or some other student-related issue.

It is further hoped that a bi-monthly or quarterly newsletter can be sent out to members wrapping up major events or issues that may have taken place in the past two or three months. A tabloid-format is also being investigated. If someone would be interested in taking over these duties, please let me know.

And one final note. As a freshman (I will be a sophomore in February) at John Jay College in NYC, I am assaulted daily by the liberal hype of the professors. There's a conservative James Madison Society there, but a Von Mises Club or Rothbardian Society could present a consistent voice for Austrian/freedom thinking. If anyone has any idea about forming a school organization, please pass it along. I've already contacted the NY-FLP and they are willing to help.

So, remember: April 15th is Tax Protest Day and July 27th is the mini-con picnic in Waldwick. All are invited and implored to attend. Volunteers, members and supporters are always welcome. And, oh yes. IT'S GREAT TO BE BACK!

Richard L. Duprey, 2 Ida Lane, Waldwick, NJ 07463. (201) 445-6098.
Chairman, Bergen County Libertarian Party.

By Len Flynn

A continuing series dedicated to the unsung heroes of the Libertarian Revolution, people whose daily efforts swell the ranks of libertarians everywhere and assure the ultimate victory of our noble cause.

PART XI--"CREATIVE CENSORS"

The future of the libertarian movement, or any political movement, obviously depends significantly on America's youth. Yet how can we muster any interest in freedom from today's often "turned off" (opposite to the 60s!) young people.

Supposedly attuned to the "new patriotism" i.e. Rambo-style nationalism, they often cannot even be stirred by the direct threat to their liberty through draft registration. What can be done to wake them up?

To the rescue come two heroes of the revolution: Tipper Gore and Susan Baker, wives of prominent government officials in Washington, DC. They are members of the Parents Music Resource Center who have testified before Senator Albert Gore (Tipper's hubby) in favor of warning labels on rock music albums.

Even the most mesmerized public school student will now see some stupid label "voluntarily" put on albums by (cowardly) record manufacturers. Could this at least spark some questioning of the wisdom of government "protecting society" from nasty pornographers or vile political advocates -- and thereby create a potential for concern for civil liberties which might otherwise lay dormant?

If so, let us thank dippy Tipper and simple Susan for their help. Their dimwitted testimony may wake up a most apathetic audience. Rock on!

Next: Conclusion (Part XII) --
"What does it mean?"

Editor, The Record:

Republicans and Democrats are trying to monopolize the political arena at the expense of third and minor parties like the Libertarians, and of individuals who do not agree with the policies of the Big Two.

The so-called bipartisan Commission on National Elections has endorsed the idea of prohibiting independent groups like the League of Women Voters from sponsoring presidential debates, and allowing only the Demorepublicans to do so. What would John Anderson's chances have been of taking part in the debates in 1980 had the Republicans controlled the show? True, he did not get on at that time either, but his chances under the proposed rules would have been practically nil.

It must be remembered that the two major parties were minor parties at one time also (remember the Whigs and Federalists?), and just because they have been given nearly free rein in the past to corrupt the political system with policies that do not permit third parties to flourish -- spending limits, tyrannical reporting requirements, impossible signature totals -- they don't deserve even more power.

The constitutionality of such an idea is also dubious. Free individuals may associate with whomever they please under the First Amendment. If that "association" happens to be a debate among presidential contenders, so be it if those contenders freely choose to participate.

The Democrats and Republicans are essentially private organizations, clubs if you will. By what right do they have to command such control over the political process?

Whether you are a Democrat, Republican, Libertarian, or even a Communist, you should be opposed to this idea of usurping the independence of the political process.

It has been only through the monopolization of power into the hands of the two "major" parties that the sanctity of the system has been diminished. Keeping the political process in the hands of independent voters will save it.

RICHARD L. DUPREY
Chairman

Bergen County Libertarian Party
Waldwick

I was heartened to see Rick Hoegberg's "Newsflash" in the December 1985 issue of the New Jersey Libertarian. In that article, Rick described how Dick Aitken had successfully reversed his conviction for willful failure to file an income tax return in the First Circuit Court of Appeals.

However, I feel compelled to reiterate a warning I have previously made to LP members and fellow travelers who oppose the income tax. Despite Rick's enthusiastic statement that "filing a (tax) return is voluntary (and) wages...ain't 'Income,'" the courts emphatically disagree, and have vigorously enforced their opposing view.

I am an attorney, and I am admitted to practice before the United States Tax Court. I am also a libertarian. I think that taxation is a euphemism for theft. I oppose it.

Accurately stated, the "law" is a prediction of what a court will do, and what the state's guns will enforce, not what laypersons believe the law to mean based upon their own interpretation of words in a statute book.

If you fail to file a return on the ground that wages are not income and filing a return is purely voluntary, the overwhelming chances are that the IRS will beat your ears off in Tax Court or in the United States District Court. You will almost certainly end up paying the tax plus interest and penalties.

Moreover, the IRS has the power to ask the court to impose a \$5,000 (five thousand dollar) penalty on persons who file Tax Court petitions for the purpose of delaying the assessment of the tax. This penalty is in addition to the tax, interest and other penalties. The IRS is winning these penalties in cases where people argue that wages are not income and filing a return is voluntary.

I have had clients who have read all the tax protestor material, knew the Internal Revenue Code far better than I, acted on their own interpretation of the law, and got promptly blown away by the IRS. It hurts to say it, but hiding this truth will do more harm than admitting it.

I am not shilling for my law practice. While I defend people in Tax Court, I do not have a tax-planning service. Persons who need tax planning advice should speak to an accountant. While I am not an altruist, I note that if you follow my advice, I will lose business.

Accompanying this article is an excerpt of a Tax Court judge ruling on the very contentions that Rick Hoegberg raised in his article. I also send along excerpts from the Second Circuit Court of Appeals ruling on the same argument, on appeal.

Again, the law is what a court will do, not what the words laying on the page of the Code seem to mean to a tax resister.

Yes, every once in a while, someone wins a tax case, and it is almost always before a jury. The tax protest folks make much of these occasional and welcome victories. But beware: these rare wins almost always come from jury verdicts. To get a tax case to a jury, you must go to the United States District Court. To get before the

U.S. District Court, you MUST pay the entire tax up front. Please don't hope to find some exception to this because you don't have the money. No payee, no jury.

If you can't afford to pay the tax up front--as most cannot--you must go to the United States Tax Court, where there are NO jury trials. None, zip, nada. That does not mean that Tax Court trials are unfair, or that the IRS always wins, but the kind of arguments libertarians tend to raise are far more persuasive to juries than judges.

For every person who wins one of these cases against the IRS arguing that wages are not income, filing is voluntary, etc., scores or hundreds of people lose. No one hears about most of these cases. The odds are heavily against the tax protestor.

In my view, it is better that libertarians forget about hyper-technical and wholly unrealistic readings of the Internal Revenue Code. Even if you convince a court that you are correct (don't bet on it), does anyone think the government is going to let a Tax Court or even District Court judge put the federal government out of business?? This has obviously escaped my well-meaning and hard-working anti-tax colleagues.

Any victory achieved by a reading of the IR Code is utterly hollow in the short and especially in the long run. The Congress will change the law to assure that the state has revenue.

And until we convince more Americans that taxation is theft, most Americans will go along with the Congress.

In addition, some of the arguments that I have heard from tax protestors make all tax resisters look rather silly, discrediting the entire movement. Arguments that the word "must" file does not mean "shall" file, or vice versa, make us all look foolish, and ought to be abandoned by serious lovers of liberty.

The fight against taxation will be won on moral grounds, not legal grounds. The fight against taxation will be won by showing more and more Americans what taxation really is: theft of property by the state for the benefit of statist politicians and the interest groups to whom they are beholden. Persuasion is a long process, but there is no alternative. There is no holy grail of massive tax relief hidden in the Internal Revenue Code.

Rick quoted a statement by the chairperson of the Massachusetts LP that the IRS will give up prosecuting people in New England who fail to file income tax returns if Frank Turano wins his case.

I don't think so. It is tragic that people who want nothing more than to keep their money away from the IRS end up giving the state more than they had to because they try to evade the fact that the Internal Revenue Code means what the courts say it means. A, after all, is A.

As tax season approaches, I plead with my fellow libertarians NOT to give the IRS a gift of your hard earned money by arguing that A is not A.

Mark Rogers

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

August Term, 1984

(Submitted: June 12, 1985 Decided: August 6, 1985)

Docket No.

Petitioner-Appellant,

-v.-

COMMISSIONER OF INTERNAL REVENUE,
Respondent-Appellee.

Before:

LUMBARD, OAKES, and WINTER, Circuit Judges.

Appeal from an order dated November 26, 1984, of the United States Tax Court, Cohen, J., dismissing the appellant's petition for a redetermination of the appellant's liability for income taxes for the year ended December 31, 1980.

Affirmed.

New York, New York, submitted a brief *pro se*.

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Glenn L. Archer, Jr., Assistant Attorney General, Michael L. Paup, Carleton D. Powell, Gary D. Gray, Attorneys, Tax Division, Department of Justice, Washington, D.C., submitted a brief for the Commissioner.

PER CURIAM:

("taxpayer") appeals from an order of the United States Tax Court, Cohen, J., dismissing his petition for a redetermination of his liability for personal income taxes for the year ended December 31, 1980. The tax court dismissed his petition because of a failure to prosecute and because of the frivolous nature of his arguments. The government seeks sanctions under Fed. R. App. P. 38, in the form of double costs and attorney's fees, on the grounds that the taxpayer's appeal from the tax court is also frivolous. We affirm the dismissal and impose sanctions pursuant to Rule 38.

On his 1980 form 1040, the taxpayer reported \$34,804.93 in gross income, earned as a

However, the taxpayer reported no tax due, explaining at the bottom of the form that "I have taken an irrevocable vow of poverty and have received a directive from the head of my order and am therefore exempt from federal income tax." The taxpayer demanded a refund of all the taxes his employer had withheld during the year.

On January 13, 1982, the Commissioner notified the taxpayer of a deficiency of \$11,893.66, and of penalties under I.R.C. §§ 6651(a), 6653(a) of \$3,115.28. On April 13, 1982, the taxpayer petitioned the tax court for a

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redetermination of his liability. In his petition, the taxpayer claimed, *inter alia*, that the Commissioner had not complied with internal procedures, had violated the taxpayer's rights under the First, Fourth, Fifth, Sixth, Ninth, and Fourteenth Amendments, had violated the taxpayer's priest/penitent and attorney/client privileges, had disregarded the bona fide character of the taxpayer's church and order, had disregarded the taxpayer's status as an ordained minister and a member of a religious order, had disregarded the taxpayer's irrevocable vow of poverty, had erred by not contacting the taxpayer's church and verifying the taxpayer's status as an agent of the church, had erred in relying on the Service's Internal/External rule as a basis for disregarding the taxpayer's vow of poverty, had erred in stating that the taxpayer had negligently and intentionally disregarded revenue rules and regulations, and finally, had erred in finding that no income tax return had been filed by the taxpayer and assessing penalties for that failure.

On May 24, 1982, the Commissioner filed his answer, denying the taxpayer's allegations. Over the next twenty-eight months, the Commissioner repeatedly attempted to resolve the case, but the taxpayer was uncooperative. The Commission then informed the taxpayer that it would seek penalties for delay and for filing a frivolous petition in the tax court.

On October 15, 1984, the tax court held a hearing on the taxpayer's petition. At the hearing, the taxpayer dropped all of the arguments in his petition and merely asserted that "I have a Code here. There's no where in there where I can find I am liable by filing a 1040." The tax court affirmed the Commissioner, granted his motion to dismiss the petition for failure to prosecute, and

awarded against the taxpayer a further \$500 in damages for filing a petition primarily for delay, an award permitted by I.R.C. § 6673.

On this appeal, the taxpayer makes a number of arguments as part of his continuing delaying efforts. He first argues that the Commissioner was incorrect in assessing penalties for failure to file under I.R.C. § 6651 (a) (1), because he claims that the return was filed on time. However, he presented no evidence on the issue to the tax court, and the taxpayer carries the burden of proof, Tax Ct. R. 142; see also *Beatty v. Commissioner*, 607 F.2d 501 (5th Cir. 1982) (tax protestor return not a return for purposes of the filing requirement).

The taxpayer also argues that the tax court agreed to give him an additional seven days after the October 15, 1984 hearing to file a new 1040 so that he could claim personal exemptions for his dependents and various deductions. We have read the transcript of the hearing, and find no such agreement. We also note that the taxpayer has had literally years to file a correct return but never did prior to the hearing, and that he makes no claim to have filed one since.

The taxpayer further argues that the tax court had no jurisdiction to hear his case, because the court has no jurisdiction to hear cases arising under Subtitle C, which he asserts is the subtitle that imposes income taxes. This argument is nonsense. Income taxes are imposed by I.R.C. § 1(d), which is within Subtitle A.

Next, the taxpayer argues that I.R.C. § 6673, which permits the tax court to award damages in an amount not to exceed \$500 (since raised to \$5,000) violates his con-

stitutional right under the First Amendment to petition the government for redress of grievances. It does not. A taxpayer has no constitutional right to bring frivolous lawsuits. See *Bill Johnson's Restaurants, Inc. v. NLRB*, 461 U.S. 731, 743 (1983). He further argues that the statute is unconstitutionally vague, because it permits the tax court to award such damages whenever "it appears to the Tax Court that" the taxpayer has brought the action for delay. We find this language sufficiently precise to avoid any constitutional infirmity, especially in light of the appealability of any action taken by the tax court pursuant to it.

The taxpayer next argues that wages are not income but an exchange of property. As money is property and labor is property, so his argument goes, his work for wages is a non-taxable exchange of property. Wrong; again. Wages are income. See, e.g., *Schiff v. Commissioner*, 751 F.2d 116, 117 (2d Cir. 1984). The argument that they are not has been rejected so frequently that the very raising of it justifies the imposition of sanctions. *

Finally, the taxpayer argues that because wages are property, a tax on them is a property tax, and because the tax the Commissioner is attempting to collect is not apportioned, it is unconstitutional. However, as we and innumerable other courts have repeatedly explained, wages are income, and income taxes do not have to be apportioned.

The Commissioner seeks double costs and attorney's fees pursuant to Rule 38. We believe that such sanctions are entirely appropriate. Accordingly, pursuant to Rule 38, the Commissioner is awarded double costs and \$2,000 in attorney's fees.

Affirmed.

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1 don't know his name, Mr. -- can show me where I am
2 liable for this tax.
3 THE COURT: Well, you can start with Section
4 6011.
5 MR. WELLS: Your Honor, if we start from the
6 general proposition in Section 61 that wages are, in
7 fact, income.
8 THE COURT: I'm telling you, Mr.
9 that you're --
10 MR. -- Can I make this statement?
11 Your Honor, 6011 says, "any person made liable."
12 Your Honor, before that you have to be liable. --
13 THE COURT: You're liable -- you did have
14 the earnings set forth in the notice of deficiency, is
15 that correct? Your wages were \$16,804.33 during 1980?
16 MR. -- Yes, Your Honor.
17 THE COURT: That's what makes you liable
18 under Section 61, Section 1, Section 6011, Section
19 6011.
20 MR. -- Your Honor, don't I have to be
21 liable by getting first being assessed?
22 THE COURT: No. The purpose of this
23 proceeding is to determine whether or not an
24 assessment can go forward. You were given a privilege
25 to prevent the assessment by filing a petition in the

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1 in the Code. Have you read the Rialty Opinion. Has
2 anyone in respondent's office cited you to the
3 opinions that have held that your contentions are
4 forth in your petition are frivolous?
5 MR. WELLS: Yes, Your Honor. The first
6 letter that Petitioner received after filing his
7 petition gave citations to the numerous Tax Court
8 decisions that upheld that wages earned in similar
9 circumstances were, in fact, taxable.
10 MR. -- Your Honor, I have a Code here.
11 There's no where in there where I can find I am liable
12 by filing a 1040.
13 THE COURT: Well, there are plenty of
14 sections in there and I'm not going to take the time
15 of all of these other people this morning. That's the
16 reason that Section 6673 was enacted to compensate the
17 United States for the time that's wasted on
18 contentions such as that. What's your education?
19 MR. -- Two years of college.
20 THE COURT: Do you think that makes you
21 better able to read the Internal Revenue Code, than
22 the Judge and the Tax Court and the Courts of Appeals
23 that have imposed double costs on appeals from such
24 cases?
25 MR. -- Your Honor, I -- if Mr. -- I

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"LIBER-T-Q"

(THE 1st ANNUAL BCLP MINI-CON)

- When: JULY 27th, 1986
- where: WALDWICK BOROUGH PARK
(Pennington Ave. & Pine St.)
- Time: 9:00 am until DARK

HAMBURGERS • HOT DOGS • SODA • BEER • etc.

GUEST SPEAKERS

AWARDS • PRIZES • FUN

Registration Form

Name: _____
Address: _____
City: _____ State: _____ ZIP: _____
Telephone: () _____
No. of Adults Attending: _____
Children (12 and under): _____
\$10.00 Adults - \$5.00 Children (12 & under)
Mail To: Bergen County Libertarian Party
2 Ida Lane
Waldwick, NJ 07463

For more information call: (201) 445-6098.

House Resolution 2320

Senator Conoyers (D-Michigan) has sponsored this bill to set a uniform (& reasonably low) number of petition signatures that allow non-republican candidates onto the ballot. The standards would apply to all states for federal offices. Currently, states are free to set whatever requirements they wish, & while in NJ we are fortunate enough to have one of the easiest requirements in the country, many are less lucky. Notorious is Georgia which requires 2.61 % of the registered voters (approx 170,000 signatures!) to get 2 libertarian US Senators & a presidential candidate on the ballot. HR 2320 would reduce this to about 2000, & ensure permanent ballot status in the event of garnering 1 % of the vote.

What you can do
Write, call or generally plague your congressman & senator, find out if they know about HR 2320, if not why not, or if so whether they will support it.

DO IT!

1 Tax Court. And there is a consequence if you file a
2 petition for the purpose of delaying that assessment
3 and delaying the collection of the taxes that are
4 undoubtedly and apparently indisputedly based upon the
5 wages you earned during the tax year.

6 THE COURT: The consequence is that you pay damages
7 under Section 673 to compensate the United States for
8 the time that's spent by Respondent's Counsel and this
9 Court coming to you these frivolous that have been
10 rejected over, over and over again by every court in
11 the country that has heard them.

12 MR. Your Honor, it may sound
13 frivolous but I honestly feel deeper in me that I have
14 an argument here that I am not liable for the taxes.

15 THE COURT: Well, do you wish to present any
16 evidence that the numbers set forth in the notice of
17 deficiency are incorrect?

18 MR. : Well, evidence I found, Your
19 Honor, under Section 6611 that any person made
20 liable --

21 THE COURT: That's not evidence. I'm
22 talking about any information that your wages were not
23 \$34,804.93 during 1980 or that you had deductions that
24 would reduce the amount of tax determined in the
25 notice of deficiency?

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1 MR. I don't have any evidence here
2 with me, Your Honor. But I have -- Your Honor, where
3 do I find normally prior to those years I paid \$34,800
4 in taxes maximum.

5 THE COURT: Well, that's your misfortune
6 that you should of continued to file normally. Mr.
7 Weiss, do you want to file your motion?

8 MR. WEISS: Yes, Your Honor.

9 THE COURT: You can serve a copy on Mr.

10 Mr. I just can't take anymore time
11 arguing with you on this. Too much time has been
12 wasted and you're just very fortunate that you filed
13 this case prior to January 1, 1983, because if you had
14 filed it subsequent to January 1, 1983, the damages
15 could have been in any amount up to \$5,000. Because
16 you filed in 1982, I am limited to the amount of \$500.

17 I have to assume that Mr. Stromer advised
18 you of the reception that you're arguments would be
19 received -- would receive from the Court.

20 MR. No. He did not speak to me,
21 Your Honor.

22 THE COURT: Well, then that's between you
23 and Mr. Stromer. The case will be dismissed for
24 failure to properly prosecute and damages will be
25 awarded in the amount of \$5,000 -- I mean, the amount

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How the Commies Stole Thanksgiving

Howard Katz

Part II

THE BERGEN RECORD
December 27, 1985

In the first part of this article, we learned that the Pilgrims, forced to live communally by the men who financed their settlement, were starving at the end of two years. Early in 1623, just before they planted that year's crop, they decided to split up the land and have each family tend their own crops. In the words of William Bradford, the governor of Plymouth Plantation at that time,

"All this while no supply was heard of, neither knew they when they might expect any. So they began to think how they might raise as much corn as they could, and obtain a better crop than they had done, that they might not still thus languish in misery. At length, after much debate of things, the Governor (with the advice of the chieftest amongst them) gave way that they should set corn every man for his own particular, and in that regard trust to themselves; in all other things to go on in the general way as before."

This marked the beginning of the conversion to private property. The harvest was so successful that in July of 1623, the Governor declared a formal day of Thanksgiving. This day corresponds to August 9th of the modern calendar. Part 2 of this article explains how we came to a false understanding of the true nature of Thanksgiving. (This article was originally accepted for publication by Reason magazine, but their attempt to impose last minute changes forced cancellation)

—Ed.

The Pilgrims were vastly outnumbered by the various Indian tribes in New England, who could have easily pushed them into the sea had they united. The Indians never considered this possibility because they were so busy fighting among themselves. In particular, the Wampanoags, among whom the Pilgrims had settled, were deathly afraid of the Narragansetts and in the spring of 1621 signed a peace treaty with the Pilgrims. Miles Standish proved himself a good ally, and soon nine other chiefs made offers of peace and friendship; these were formalized in a treaty on Sept. 13, 1621. Shortly thereafter, the Pilgrims held a party for their Indian allies. Bradford thought so little of this party that he does not mention it in his journal, but we know of it from a letter written by Edward Winslow on Dec., 11, 1621.

Our harvest being gotten in, our Governor sent four men on fowling, that so we might after a more special manner rejoice together, after we had gathered the fruit of our labors. They four in one day killed as much fowl as, with a little help beside, served the Company almost a week. At which time, amongst other recreations, we exercised our arms, many of the Indians coming amongst us, and amongst the rest their greatest king, Massasoit with

some 90 men, whom for three days we entertained and feasted. And they went out and killed five deer which they brought to the plantation and bestowed on our Governor and upon the Captain and others. (14)

It is this event which is described in modern histories as the first thanksgiving. Lowe writes:

By a great many persons, this celebration is believed to be the first Thanksgiving, from which we date our celebration of the day, but well-known writers deny this, one saying: "There is no record of any special religious service during this week of feasting." (15)

Neither Bradford nor Winslow described the 1621 party as a thanksgiving. It did not mark the end of starvation and famine. And it was probably not intended to celebrate the harvest (which Bradford reports as small). The logical conclusion is that the Pilgrims were celebrating their foreign policy triumph in establishing peace with their Indian neighbors (which would explain why the Indians were invited).

Holidays are the Reenactment of Great Events

I was led to do the research on this topic because of the conviction that truly memorable events remain in the public consciousness. Their emotional import passes from one generation to another even if the truth is sometimes lost. The traditional story, that Thanksgiving celebrates the saving of the Pilgrims from starvation, lacks this memorable quality. If you are not a direct descendent, then the event has little significance. But the true

story reveals a far more important issue, an issue of vital concern to every human being alive today, an issue which, three and one half centuries later, still divides the world, the issue of communism versus private property. This is an event one would want to reenact.

NOTES

14. Edward Winslow, as quoted by Samuel Eliot Morison, notes to Bradford, *Op. Cit.*, p. 100.
15. Lowe, *Op. Cit.* p. 3.
16. that is, English legal tender.
17. meaning that corn became a medium of exchange
18. Bradford, *Op. Cit.*, p. 160
19. Bradford, letter of June 9, 1625 as quoted by Morrison, *Ibid.*, p. 197.
20. Which were extremely valuable in England at the time
21. Bradford, *Ibid.*, pp. 197-98.

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