

New York Prohibitionist



Think NY Vote Dry

February and March 2023

Volume 6 #2

A Vision for the Future

In these trying times, the Prohibition Party of New York continues its work to advocate for positive policies and advance social reform. We offer a vision for a better future for New York. A vision for a new approach to governance focused on moral principle, public service, and advancing the public wellbeing. A vision of a state filled with healthy, prospering communities, and greater opportunity for all New Yorkers. If you are interested in helping to make a positive impact on your state and your community, consider joining the Prohibition Party of New York.

"Here is your country. Cherish these natural wonders, cherish the natural resources, cherish the history and romance as a sacred heritage, for your children and your children's children. Do not let selfish men or greedy interests skin your country of its beauty, its riches or its romance." Theodore Roosevelt

State and National Party News

The Prohibition Party continues to move forward on the state and national level. On the national level, the Prohibition Party has been working on preparations for the upcoming national party convention in Buffalo. The convention has been set for May 7-9th.

On the state level, the Prohibition Party of New York continues to work on legislative activism. We've been working to promote bills in areas including improving support for prevention and addiction recovery programs, stronger laws against drunk driving, stronger restrictions on tobacco sales, and seeking to repeal the anti-democratic 2020 ballot access law changes. In recent weeks, we have had conversations with a number of members of the state assembly who stated their willingness to consider supporting the Addiction Prevention and Recovery Act.

Prohibition Party National Convention Information

The Prohibition Party is planning to hold its national convention this May, in Buffalo, New York. This convention would select the party's 2024 presidential ticket, ratify the party's 2024 platform, and take care of other party business. The convention arrival day is on May 7th and the Convention Session days are May 8th-May 9th. The convention will be held at the Holiday Inn Hotel near the Buffalo Niagara International Airport: 131 Buell Avenue, Cheektowaga, New York 14225.

We plan on having Mark Lawrence Schrad as the convention's keynote speaker. Schrad is a professor of political science at Villanova University and author of the book *Smashing the Liquor Machine: A Global History of Prohibition*. Professor Schrad plans to speak about his research regarding the history of the prohibition movement and his thoughts on how prohibitionist ideas could be applied to addressing contemporary issues.

The Prohibition Party is preparing its list of delegates. If you are an engaged member of the party and wish to apply to be a delegate, please email us at prohibitionists@gmail.com. Let us know your name, what state you are from, and whether you expect to be able to attend the convention in person. You will need to be a registered dues-paying member of the party in order to be eligible to be a delegate.

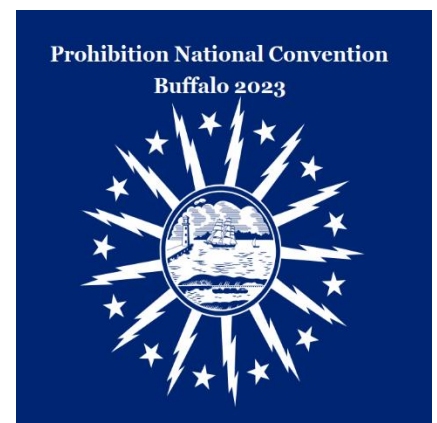
If you are a member that has not yet become an annual dues-paying member, you can still sign up to become one. If you have paid dues in the past, please make sure that your annual dues are up to date. Annual Dues are \$10/year. Please make sure that your dues payment is made before April 15th.



You send the money for your annual dues either online through the Prohibition Party website at <https://www.prohibitionparty.org/donate>

Or through mail at Prohibition National Committee, P.O. Box 212, Needmore, PA 17238. If you send your dues payment by mail, please make sure to send it soon enough that it will arrive before April 15th.

A block of rooms at the hotel has been set up to be available for convention delegates to be able to book. The room rates should be \$115 per night, plus tax (est. \$130.81/night with tax). Breakfast is included. The cutoff date for getting a room booked is April 21st. After that point, getting a room would depend on general availability and room price may vary.



Legislative Activism

The Prohibition Party of New York continues to work on legislative activism. With a new legislative session having begun, there are various opportunities to advocate for positive policies and to oppose negative policies. Towards this end, we will highlight and provide updates on some of the notable bills in the state legislature.

We have been working to promote support for the Addiction Prevention and Recovery Act (Bill S1546) among members of the state legislature. In recent weeks, we have had conversations with a number of members of the state assembly who stated their willingness to consider supporting the bill.

Some progress has been made with Bill A01627/S776. This bill, if passed, would strengthen the state's drunk driving laws, by lowering the minimal blood alcohol concentration for a DUI offense from 0.8% BAC to 0.5% BAC and would lower the BAC required for aggravated DWI from 0.18% BAC to 0.12% BAC. Since our last issue, the bill has gained one additional cosponsor in the State Assembly and one additional cosponsor in the State Senate. Though more effort will be needed to help ensure that the bill advances out of committees and towards votes in the State Assembly and Senate.

In regards to anti-tobacco legislation, we had reported in our last issue that Governor Hochul had included a proposal to ban the sale of flavored tobacco in her proposed state budget for this year. This proposal has faced opposition from tobacco retailers and their allies in the state legislature. Proposed budget plans from the State Senate and State Assembly did not include the proposed ban on flavored tobacco sales; though it did include Hochul's proposal to increase taxes on cigarette sales. This raises some doubts as to whether the governor will be able to gain enough support to pass a ban on flavored tobacco sales this year. Through continued activism by anti-tobacco activists can still potentially improve the chance of its passage or at least in building momentum in favor of passing it at some point in the future.

In last month's issue, we had reported on several bills that were proposed to

increase restrictions on tobacco sales. This included bills to ban the sale of flavored smokeless tobacco products within 500 feet of a school (Bill A00699/S4477), ban smoking and vaping on the grounds of public colleges (Bill A01918), ban the sale of any e-cigarette or vaping device that does not have FDA approval (Bill A00083), and requiring e-cigarette manufacturers to place warning labels that their products pose and explosion hazard (Bill A00044). There does not appear to be any notable changes for these bills in terms of legislative support or committee actions since they were reported on in the last issue.

There are ongoing efforts regarding ballot access and election bills. As we reported in the last issue, Assemblyman Blankenbush introduced Bill A03312, which would undo most of the anti-democratic changes to state ballot access laws that were made back in 2020. It would restore the old 15,000 petition signature requirement to get an independent or minor party candidate on ballot for statewide office, lower the number of votes needed for a minor party to acquire/retain statewide party status back down to 50,000 votes (though would keep a two-year vote test), and extend the period for collecting petition signatures from 6 weeks to 12 weeks. The bill still remains in the Assembly committee on election law.

Senators Jackson and Sanders had introduced Bill S1031, which would repeal part of the 2020 ballot access law changes, by restoring the old standard for gaining statewide party status. If passed, parties would go back to only needing to have their candidate for governor receive at least 50,000 votes for their party to gain/retain state party status for the next 4 years. The bill remains in the State Senate's committee on elections.

Assemblymember Paulin had introduced Bill A01218, which if passed, would establish a system of ranked-choice voting for presidential elections in New York State. The bill remains in the Assembly committee on election law.

On the economic front, the New York Public Banking Act (Bill A03352/S1754), which would allow local governments to form their own local public banks for

providing financial services to community members and fostering local economic development, remains in the Assembly's committee on banks and the Senate's committee on banks. Bill A02536/S1756, which would establish a New York State Public Bank still remains in the Assembly's committee on banks and the Senate's committee on finance.

Pro-alcohol elements continue to try to push forward bills to weaken state restrictions on the sale of alcohol, attack dry communities, give special tax breaks to the alcohol industry, and misuse state agencies and resources to promote the alcohol industry. The most dangerous of these bills is Bill A02446/S3484, which if passed would take away the ability of local communities to enact laws restricting or banning local alcohol sales, and would eliminate all of the dry and partially dry communities in the state. This would undermine the health and wellbeing of numerous communities in the state, give alcohol companies freer reign to sell their toxic products to the public, while forcing communities to bear the cost of the damages that result from them, and would leave local communities without the ability to vote to drive them out. Fortunately, this bill still remains in the Assembly's committee on economic development and the State Senate's committee on Investigations and Government Operations. Though, we cannot rest until we are sure this bill is defeated. Sensible New Yorkers should contact their state legislators, as well as the state legislators that hold positions on the two committees, and urge them to reject Bill A02446/S3484.

There are various pro-alcohol bills that have been introduced in this year's legislative session. Bills that would weaken restrictions on alcohol sales include bills A03415, A00353/S3460, A01465, A01580, A03071, A03356, A03397, S3386, S2722, A03704, A03844, A02961/S4412, and S3567. Bills that would give special tax breaks to the alcohol industry or misuse state resources to promote the alcohol industry include bills A01947/S3496, A04082, and A02326. By weakening restrictions on alcohol sales, giving special tax breaks to the alcohol industry, and misusing state agencies/resources to promote the alcohol industry, these bills would serve to

undermine public health and wellbeing, damage the health of the economy, and create increased damages that the public would be forced to pay the costs of. These pro-alcohol bills are contrary to the interests of the people of New York. As such, they should be opposed and will hopefully be rejected by the state legislature.

Those who are looking for more information on bills, information on which legislators are on which committees, or information on how to message members of the state legislature can find information on the State Assembly and State Senate websites.

State Assembly: <https://nyassembly.gov/>

State Senate: <https://www.nysenate.gov/>

Sources: https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S01546&term=2023&Summary=Y&Actions=Y
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“There is nothing which I dread so much as a division of the republic into two great parties, each arranged under its leader, and concerting measures in opposition to each other. This, in my humble apprehension, is to be dreaded as the greatest political evil under our Constitution.” John Adams

COFOE Aids New York Minor Parties in Ballot Access Case

The Council of Free and Open Elections (COFOE) has helped to provide some financial aid to parties challenging ballot access restrictions in New York. COFOE has recently given \$1,500 to help the New York Green and Libertarian Parties cover the costs of preparing a cert petition in their ballot access case (Libertarian Party of New York v. New York State Board of Elections). While it remains to be seen how that case will turn out, COFOE’s aid will at least help with continuing efforts to challenge unfair ballot access laws in the state.

Source: <https://ballot-access.org/2023/03/06/cofoe-coalition-for-free-open-elections-contributes-1500-to-costs-of-printing-new-york-ballot-access-briefs/>



New York Ballot Access Case Docked with Supreme Court

The legal battle over ballot access laws in New York continues to move forward and appears to be headed for the U.S. Supreme Court. Back in 2020, then-Governor Cuomo and his co-conspirators in the state legislature pushed through a set of anti-democratic changes to the state’s ballot access laws. These changes made it vastly harder for independent and minor party candidates to petition to get on ballot for statewide offices and made it vastly harder for minor parties to gain and retain statewide qualified party status. The number of signatures for independent nominating petitions was tripled from 15,000 to 45,000. The requirement for gaining/ retaining statewide party status was changed from getting 50,000 votes for governor every 4 years, to getting 130,000 votes or 2% of the vote (whichever is greater) for governor or president every two years. These changes were a blatant effort to suppress minor party participation in state politics and to remove most options that voters have on the ballot.

As a result of these changes, four of the six parties that previously had statewide party status lost their statewide ballot access. Those parties were the Green, Libertarian, Independence, and SAM parties. The remaining two minor parties (Conservative and Working Families) mostly cross-nominate Republican and Democratic Party candidates. As a result of these restrictive ballot access rules, 2022 was the first election since 1946 where only the Republican and Democratic candidates were on the ballot for governor, and only one third party/independent candidate (Diane Sare for U.S. Senate) managed to get on ballot for any statewide office.

Shortly after the 2020 ballot access law changes were made, various minor parties had made legal challenges in court, contending that these changes infringe on

the right of people to participate in the democratic process. Over the past few years, these challenges have made their way through various state and federal courts, though so far, no court has taken action to strike down the ballot access law changes. In 2022, a legal challenge made by the New York Libertarian Party and the New York Green Party made its way to the U.S. District Court. The District Court made a ruling upholding the ballot access law changes, which was filled with factual errors and went against existing court precedents. The case was appealed to the Second Circuit Court of Appeals. The Second Circuit decided to uphold the District Court’s ruling, without giving any explanation for their reasoning, and only giving a short statement that the District Court had not made an error in its ruling. This was done despite ample evidence that the ruling was flawed and the fact that one of the main reasons used by the District Court justify upholding the ballot access changes directly contradicted precedent set by the Second Circuit Court’s own rulings in another ballot access case. The New York Green and Libertarian Parties tried to get the case reheard in the Second Circuit, but the court rejected their appeal.

Now in 2023, the New York Libertarian Party and New York Green Party are attempting to get the case addressed by the U.S. Supreme Court. The case, titled Libertarian Party of New York, et al., Petitioners v. New York State Board of Elections, et al., was placed on the Supreme Court’s docket on March 16th. It is listed under the docket number 22-893. The New York State Government has until April 17th to respond to the case. Those who wish to file an Amicus Curiae brief for the case have until at least April 17th; though that deadline may be increased if the state issues a response. If this case continues to move forward and the Supreme Court decides to hear the case, then this ballot access case may finally come to a resolution in the courts. Though, it is not clear how the Supreme Court may rule on the matter.

Sources: https://615c4beb-b241-4f4a-a6b4-a074dc02ce34.filesusr.com/ugd/2cc7be_32a76d0c23943e8b6eeae9277859440b.pdf
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New York and Other States Underfunding Tobacco Cessation Programs

New York State and many other states have been significantly underfunding tobacco cessation programs and have been failing to adequately make use of funds from Tobacco company settlements to fund tobacco cessation efforts; with New York state providing less than a fifth of CDC recommended funding levels for tobacco cessation programs and most other states also falling well below the mark.

In 1998, state governments reached a settlement with various major tobacco companies, to provide compensation for the enormous amount of health problems caused by their products. Over the past 25 years, states have received over 246 billion dollars in settlement money and are expected to receive 26.7 billion dollars this year. These funds are supposed to go towards addressing the public health problems caused by tobacco use and working towards reducing tobacco use. Despite this, most states are putting relatively little of this settlement money towards programs aimed at helping people stop using tobacco.

The CDC recommends that states should spend around 3.3 billion of that 26.7 billion on tobacco cessation programs. But all states combined are only spending 733 million dollars a year on tobacco cessation programs. This is only around 2.7% of their yearly settlement money and averages to only 22.2% of the funding levels recommended by the CDC.

New York State allocates \$39.2 million a year for tobacco cessation programs. This is only 19.3% of the \$203 million funding level recommended by the CDC. By comparison, it is far less than the over \$177 million that the tobacco industry spends annually on marketing to encourage people to use and buy tobacco products. And despite how low New York state's spending on tobacco cessation programs is, it is still in the middle of the pack compared to other states (ranking 24th in funding).

When we look at the rest of the states, we can see that most states are

significantly below recommended funding levels. Only two states, Oregon and Maine, have funded their tobacco cessation programs at or above CDC recommended levels. Seven states provide funding at or above 50% of CDC recommended levels. Those being Utah, Oklahoma, Delaware, Alaska, North Dakota, California, and Hawaii. Ten states provide funding at 25%-49.9% of recommended levels. Those states are Arizona, Colorado, Wyoming, Idaho, Montana, South Dakota, Vermont, Connecticut, Maryland, and Florida. Fourteen states and Washington D.C. only provide 10%-24.9% of recommended funding levels. Those states are Washington, Nevada, New Mexico, Nebraska, Iowa, Minnesota, Arkansas, Mississippi, Indiana, Ohio, Pennsylvania, New York, North Carolina, and Virginia. 17 States provide less than 10% of recommended funding, with 11 of them providing less than 5%. The states of Illinois, Wisconsin, Louisiana, New Jersey, South Carolina, and Massachusetts spend at 5%-9.9% of recommended levels. The states of Texas, Kansas, Missouri, Michigan, Alabama, Georgia, Tennessee, Kentucky, West Virginia, Rhode Island, and New Hampshire. The state of Texas ranks the lowest, with only 1.3% percent of recommended spending.

Additionally, tobacco companies overall spend around 12 times as much money promoting their harmful products than states spend working to help people quit tobacco.

In order to continue to drive down tobacco use, states should take stronger actions to address the matter. New York and other states should make use of the money they receive and work to bring funding towards being at or above CDC recommended levels. Beyond that, there are a variety of things that states can do to address tobacco. By improving funding tobacco prevention and cessation programs, improving public information campaigns, increasing restrictions on the sale of tobacco, enacting comprehensive smoke-free laws, and enacting other sensible policies, states can make significant progress.

Source: https://www.tobaccofreekids.org/what-we-do/us/statereport/?utm_campaign=ea&utm_source=email&utm_medium=warmup1&emci=24138834-6f93-ed11-9d7b-00224832e811&emdi=adde677e-3498-ed11-994c-00224832eb73&ceid=880324



Cornell University Apologizes to Oneida Nation and Returns Ancestral Remains

Cornell University is working to make amends with the Oneida Indian Nation by returning ancestral remains that the University had been keeping for several decades. The Oneida were one of the groups that made up the Haudenosaunee Confederacy (commonly known as the Iroquois Confederacy) and had held territory in what is now Central New York. In 1964, ancestral remains were unearthed at a farm in Windsor, New York, when the property owners had tried to dig a ditch for a water line. The remains and accompanying items were brought to Cornell University Professor Kenneth A.R. Kennedy, analyzed the bones to determine age and sex. Professor Kennedy then had them placed into the Cornell University Archives. These events occurred 26 years before the passage of the Native American Graves Protection and Repatriation Act of 1990, which provided formal processes for institutions to repatriate ancestral remains and cultural artifacts to descendants or the tribe that the deceased person/artifact had been a part of. It wasn't until decades later and after the death of Professor Kennedy that younger staff at the University had rediscovered the remains. Following their rediscovery, the University was convinced to move to return the remains to the Oneida Indian Nation.

On February 21st, Cornell University held a ceremony to return the remains and to apologize to the Oneida for having kept the remains in the first place. University President Martha E. Pollack gave a speech stating that,

"Nearly sixty years ago, these ancestors were taken from the place their families chose for them. Without regard for the wishes of their descendants, they were taken to Cornell and remained here for decades – unidentified, alone, and far

from the places and people among whom they belonged... Today, I want to apologize, on behalf of the university and all who were involved in these wrongs, for the disrespect shown to these ancestors, and for the hurt that has added more pain to the tragedy of Indigenous dispossession."

Professor Matthew Velasco, of the University's Department of Anthropology, spoke on the professional aspects of the issue, stating that,

"To say that Professor Kennedy's actions were utterly commonplace among his contemporaries is not to excuse them. On the contrary, they reveal the mundanity and pervasiveness of Indigenous dispossession...Our efforts to help bring the ancestors home cannot erase the harm done. But I hope this serves as a sign of our remorse, our respect for the Oneida Indian Nation and our resolve to do better."

Ray Halbritter, a representative of the Oneida Indian Nation, commended the University for taking steps to help right past wrongs and that returning their ancestors to their sacred homeland was a step forward in advancing respect for the dignity of the Oneida people. Halbritter stated that the remains of their ancestors would be laid to rest according to their traditions.

At the end of the ceremony, Pollack and Halbritter signed the transfer document for the ancestral remains and funerary objects that were interred with them to be returned to the Oneida people.

Source: <https://www.wivb.com/news/new-york/cornell-university-apologizes-to-the-oneida-indian-nation-and-returns-decades-old-ancestral-remains/>



Hochul Calls for Actions Against Unlicensed Marijuana Sellers

Governor Hochul has recently proposed a bill to increase enforcement and penalties for businesses selling marijuana without a license. The bill would empower the State's Office of Cannabis Management, the State Department of Taxation, and local law enforcement to take action against stores that are selling marijuana without a license. Stores that illegally sell marijuana could potentially face \$200,000 fines for having illegal marijuana plants or products, and could face fines of \$10,000/day for selling marijuana products without a license. The governor has proposed this bill in response to the significant number of stores throughout the state that have popped up selling marijuana without a license, following the state legislature's misguided decision to legalize the sale of recreational marijuana. Currently, state and local law enforcement's ability to take actions against stores selling marijuana without a license or otherwise violating state regulations has been limited, uneven, and with relatively little in the way of consequences for violations. While the governor still publicly holds onto the fantasy that legalizing the sale of recreational marijuana was somehow a good idea (when in reality it undermines public health and wellbeing, allows corporations to harm and exploit vulnerable communities, and will cost the state more in damages than it will generate in revenue), the governor still came to recognize that the propagation of unlicensed marijuana sellers would need to be addressed for there to be some sense of substantive regulation in the state. The governor's proposed bill, if passed, would contribute towards getting rid of stores illegally selling recreational marijuana and would increase the state's ability to enforce regulations on the marijuana industry.

Sources: <https://wellspringnews.com/blog/2023/03/22/governor-hochul-announces-legislation-which-will-crack-down-on-cannabis-grey-market/>
https://auburnpub.com/news/state-and-regional/povt-and-politics/hochul-proposal-would-quickly-shut-down-illegal-pot-stores-in-ny/article_eedfa6d5-a7ee-5e17-a0f1-270c2a55042e.html

"The price of apathy towards public affairs is to be ruled by evil men" Plato

Correspondence Shows Problematic Connections Between NIAAA Officials and the Industry

Growing evidence shows problematic connections between the alcohol industry and officials at the National Council on Alcohol Abuse and Alcoholism. It is no secret that the alcohol industry seeks to use its financial, economic, social, and political influence to try to mislead the public, undermine scientific research into the harmful effects of alcohol, and undermine efforts to enact policies aimed at addressing alcohol as a social and public health problem. Though research into communications between alcohol industry figures and NIAAA officials has highlighted problematic behavior by NIAAA officials.

Researchers Gemma Mitchell and Jim McCambridge, from the University of York in the United Kingdom, had conducted an analysis of 4,784 pages of email correspondence by NIAA officials, obtained by FOIA requests. These emails included communications between 43 NIAAA staff members and representatives of 15 alcohol companies and trade associations.

The researchers found that NIAA leaders were providing alcohol industry representatives with extensive information about scientific research on the effects of alcohol and its policy implications. NIAA leaders were found to communicate often with alcohol industry representatives through email, phone, and physical meetings, in which they shared privileged information about scientific research into the effects of alcohol on health and how regulatory agencies were considering this research in regards to the designing of future regulations. This privileged information included topics such as the planning of US dietary guidelines and research into the connections between alcohol use and cancer. They found that leaders in the NIAA were attending informal meetings with alcohol industry representatives, as well as attending alcohol industry-sponsored events. They found that key actors in the alcohol industry solicited leaders in the NIAAA for advice on how to minimize the impact that scientific

research on the health of effects of alcohol could have on public policy. At times, NIAAA heavily expressed criticism of public health research into the effects of alcohol. Additionally, they found that these types of connections between NIAAA officials and the alcohol industry have been going on for a long period of time.

Mitchell and McCambridge also pointed out the issue of the revolving door between the alcohol industry and NIAAA positions. They point out that some of the alcohol industry-friendly officials in the NIAAA subsequently went on to get jobs at alcohol companies or their lobbying organizations. Hiring former NIAAA officials provides alcohol companies with people who can use their knowledge and connections to try to lobby current NIAAA officials. And the prospect of potential future employment encourages current NIAAA officials to take actions friendly to the alcohol industry.

Dr. Mitchell stated that their findings were hugely concerning. They stated that they hoped that the NIAAA wouldn't look at their study as public relations problem to be managed, but rather recognize it as "posing a set of major scientific challenges to which it must rise".

Dr. McCambridge stated that,

"The depth of the relationship between NIAAA senior leaders and key alcohol industry contacts uncovered here is disturbing... The study findings provide examples of alcohol public health science being opposed rather than championed by NIAAA leaders, at least in their direct communications with industry. There is an urgent need to understand better the nature of this problem. The implications are profound when one considers that NIAAA funds the majority of the world's alcohol science."

In response to this research, Dr. Thomas Babor, editor of the *Journal of Studies on Alcohol and Drugs*, stated the importance of monitoring how the alcohol industry funds research projects and attempts to influence scientific activities. Babor stated that Mitchell and McCambridge's research, as well as other evaluations, "provide strong evidence that alcohol industry influence has penetrated the highest levels of the NIAAA in ways

that threaten public health at both a national and global level".

The level of influence that the alcohol industry has within the NIAAA is indeed a problem. Their influence undermines scientific research into the harmful effects of alcohol on individual and public health, it undermines public awareness of the effects of alcohol, and it undermines efforts to establish stronger regulations on the alcohol industry's activities. This undue influence needs to be addressed. There needs to be stronger monitoring of the alcohol industry's attempts to influence scientific research, public institutions, and regulatory agencies. There likewise needs to be stronger ethical standards for those holding positions within the NIAAA and related institutions regarding their interactions and associations with alcohol industry representatives. Appointment and hiring standards should be established to favor the hiring of more independent officials, rather than alcohol industry insiders. Those accepting the positions should be prohibited from working in the alcohol industry for a period of time after leaving the NIAAA, to help close the revolving door. And overall better policies should be developed among public institutions, research organizations, and regulatory agencies to promote independent scientific research of the effects of alcohol on health, free from alcohol industry influence.

Sources: <https://alcoholjustice.org/images/downloadables/articles/jsad-niaaa-industry-report.pdf>



"A primary object should be the education of our youth in the science of government. In a republic, what species of knowledge can be equally important? And what duty more pressing than communicating it to those who are to be the future guardians of the liberties of the country?" George Washington

Freedom and Law

The relationship of freedom and law in society is one of the most significant and contentious matters in politics and political philosophy. Within this, there is the contention between different competing notions of freedom and the implications that emerge when certain understandings of freedom inform the shaping of law and policy. Policies built upon a severely flawed view of freedom and the role of law can end up undermining our ability to have a well-functioning free society, weakening the protection of human rights, damaging public welfare, and distorting the function of governments and their relations with the public.

President Abraham Lincoln brought attention to these kinds of contentions when he stated, "We all declare for liberty; but in using the same word we do not all mean the same thing... The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as a liberator, while the wolf denounces him for the same act as the destroyer of liberty, especially as the sheep was a black one. Plainly the sheep and the wolf are not agreed upon a definition of the word liberty."

His statements were primarily focused on the different views of freedom held by the opponents and supporters of slavery; where opponents recognized that slavery robbed those enslaved of their freedom, while supporters believed that their status as free men entitled them to a right own other people. The pro-slavery side's belief that people could be entitled to own others as chattel gave rise to laws and policies that subjected millions of people to enslavement. Whereas, the political triumph of anti-slavery views of freedom would free millions of slavery and establish constitutionally declared rights of citizenship and equality under the law. In this, we can see one example of how differing views of freedom and the role of law can have significant effects on the lives of many people.

Another historical example of differing views of freedom can be found in the case of *Wynhamer v. New York*. In 1855, New York State passed its first statewide prohibition law (An Act for the Prevention

of Intemperance, Pauperism, and Crime); enacting a general ban on the sale of alcohol within the state. Supporters of the law recognized the alcohol industry exploited and harmed people through the sale of its products, saw how families and communities were forced to bear the costs of the damages caused by alcohol sales, and believed the state had a legitimate interest in prohibiting alcohol protect the lives and wellbeing of its people. They saw how the alcohol industry played a significant role in political corruption within the state and used their influence to serve their interests. By passing the law, they were working to free people from the alcohol industry's exploitative practices and free the state's democratic systems from the corrupting influence of the alcohol industry. Opponents of the bill believed that they were entitled to buy and sell whatever they wished, that society should be required to furnish them with a market, and the state shouldn't be allowed to limit commerce in the interest of the public welfare. They considered their ability to buy and sell whatever they wanted as a form of freedom and believed that their commercial interests should be considered a right equal or greater to the right of life. Pro-alcohol advocates sued the state government to challenge the law. The State Court of Appeals was dominated by a pro-alcohol majority, who struck down the law.

State Supreme Court Justice Thomas Johnson would author the main dissenting opinion in this case; asserting the state prohibition law was consistent with the state constitution and that the state had a legitimate interest to restrict commercial activities to protect the lives of its citizens. He contended that the right to own property did not include the ability to engage in unrestricted commerce without regard for its effect on others and that the state was not required to furnish people with a market just because they wanted to buy or sell something. Johnson contended that the majority opinion set a dangerous precedent, by asserting that there was an individual right of commerce that precluded the state from enacting restrictions for the protection of the public welfare. That by doing so, it was placing commercial interests above the rights to life and liberty. Justice Johnson's

warning would ring true. In 1857, the Supreme Court made the Dred Scott decision. Partially inspired by the vision of property rights articulated by the majority ruling in *Wynehamer vs. the People*, the Supreme Court ruled that slaves were property, that African Americans did not have the right to freedom and citizenship, and that congress couldn't ban the expansion of slavery into new territories. After the Civil War, the passage of the 13th, 14th, and 15th Amendments would abolish chattel slavery, gave citizenship to former slaves, established a constitutional standard of equal rights, and nullified the effects of the Dred Scott ruling. While the notion of property rights extending to owning people was rejected, the type of legal thought that underpinned the *Wynehamer* decision and influenced the Dred Scott decision, has continued on among segments of the nation's political and legal communities. The notion that there is a right to unrestricted commerce that is superior to public interests has often been adopted by groups that opposed various reforms throughout the nation's history, from establishing public health and consumer safety regulations in the 19th century, to establishing stronger restrictions on tobacco sales in present day. As a result, these differing views of freedom have had significant implications for our nation's economy, public wellbeing, and the legal rights of citizens.

There are also other contentions over notions of freedom in modern times. Notably, there are some ideologues who promote a distorted and permissivist view of freedom. Those that take the oversimplified notion that freedom means the ability to do what one wants and take to it a radical extreme; where they assert that individuals and private entities should be entitled to do almost anything they please (including many actions that involve the exploitation and harming of people) and believe that their actions should often be made exempt from public accountability. Their view rests on a negative conception of liberty. They tend to view laws and policies restricting individual or commercial behavior as a threat to their idea of freedom; even if those laws were created by the public through a democratic process and were created for the purpose of protecting people's lives and wellbeing.

Freedom does not mean that an individual is entitled to whatever they want. A person who has the power to do whatever they please regardless of reason or the effect that their actions would have on others is not a free person; they are a tyrant, whose ability to exploit and harm people at will endangers the freedom of those around them. Freedom involves an element of liberty, but it does not mean a state of license. Nor is every collective rule or obligation an infringement on freedom. The liberty involved in freedom is not merely the absence of unjustified interferences, it includes positive liberty: the freedom of individuals to self-actualization and the freedom of people to pursue their human potential, in a society that protects their lives, rights, and vital wellbeing from abuse.

The central threat to freedom is not laws, or regulations, or public responsibilities. The central threat is unbounded power. Power that is not bound by reason, ethics, responsibilities, or consideration of the effects that actions have on people is ultimately destructive towards the positive exercise of freedom. It leads to the exploitation, harming, and killing of people, and in the course of its rampages tears at the social foundations that enable people to freely pursue their human potential. Unbounded power is destructive to freedom whether that power is wielded by a government or a private entity; by a group or an individual. The dictator, the robber baron, the murderer, the rapist, and the batterer are all tyrants in their fields of action, and through their abusive actions undermine the existence of free society. Our freedom is protected by rules on the exercise of power throughout our society.

A free society is built by establishing a system of governance, institutions, and laws that derives its power from the governed, is designed to act in service of the public, protects the rights of its people, and fosters ordered liberty. The public has the right to come together and use the democratic process to establish laws restricting individual and collective behavior in order to protect their lives, rights, and vital wellbeing. This includes the ability to enact laws against individual crimes, to enact laws restricting businesses and commercial activities, to establish institutions for public services,

and to enact and amend policies on public matters. Through the implementation of sound laws and policies, individuals can be better protected against the abuses of individuals and private entities, and through that greater security people are freer to pursue their own individual and collective potential. Governance is protected from the distortion of unbounded power through a system where power is granted from the public and defined by its designated uses. When the parameters of government power are defined by protecting the lives, rights, and vital wellbeing of its people, providing public services, and enacting policies on matters that it has been designated to legislate on, a government is empowered to serve its designated functions. At the same time, its power is limited from exercising power contrary to the rights of citizens. Strong democratic instructions, separation of powers, and strong public ethics laws serve to discourage the misuse of power by public officials. Through establishing and maintaining a sound system of law and governance, we can work to foster a healthy free society and protect the lives, rights, and vital wellbeing of people.

Understanding these different conceptions of freedom and their implications is important to key aspects of modern policy debate. By understanding a more positive conception of freedom, it can be seen that when we advocate for policies to restrict the sale of harmful products or to enact other policies to protect the lives of the public, we are promoting policies that are consistent with a free and democratic society. That we are promoting policies to help keep people free from the abuses of individuals and private entities. By contrast, those advocating policies based on a distorted and negative conception have often ended up advocating for policies that undermine the government's ability to fulfill its responsibilities to the public and give individuals and private entities more power to engage in actions that exploit, harm, and/or kill people: fostering a decentralized tyranny masquerading under the name of freedom. The competition between these different views of freedom effect which policies citizens and elected officials will end up supporting, and as a result, will help shape

our nation's social and political future. As such, it is important to articulate and promote a more positive conception of freedom, so that we may promote good governance, advance ordered liberty, and help move our society towards a better future.

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National Banking Crisis; Silicon Valley and Signature Banks Collapse

The nation's banking industry has been disrupted, as two major regional banks, Silicon Valley Bank and Signature Bank, have collapsed. On March 10th, Silicon Valley Bank was shut down by federal regulators after the bank had become insolvent. This was followed by the collapse of Signature Bank on March 12th. The closure of these two banks has marked the largest bank failures that the country has seen since the 2008 financial crisis and are among the largest banking failures in U.S. history.

Silicon Valley Bank was a California-based regional bank, whose primary business involved serving higher-income individuals, small businesses, and larger businesses involved in technology, venture capital, and other industries in the Silicon Valley area. The bank had begun to incur significant losses, due to mismanagement and rising interest rates, and the bank came to face increasing scrutiny from regulators and investors. In early March, there was a run on the bank by investors seeking to pull out their money and the bank ran out of money to pay people back. On March 10th, the FDIC determined the bank to be insolvent and shut it down.

Signature Bank was a New York City-based regional bank whose business consisted largely of providing lending and deposits for businesses, investors, and wealthy individuals in sectors including real estate, mortgage banking, private equity investment, technology, and cryptocurrency. Signature Bank had similar problems with mismanagement and an eventual surge of investors seeking to withdraw deposits. Its problems were further compounded by the fact that the bank was heavily involved in the highly unstable cryptocurrency market. These problems would result in the bank's collapse. On March 12th, New York State regulators had the bank closed and it was placed under control of the FDIC.

The collapse of a second major regional bank created concerns about the fate of deposits held in the two banks and of potential contamination of the banking industry. The federal government has a system that provides insurance for people's bank accounts against potential bank failures. But that normally only covers up to \$250,000. Most of the money at Silicon Valley and Signature banks were held in accounts larger than \$250,000 and thus would normally not be insured beyond that amount. This had the potential to affect various businesses and industries that had money in those banks. There was additional concern that these events would lead to runs on other banks. That concerned account holders and investors would rush to withdraw money from other regional banks, causing those banks to potentially run out of money, and shut down.

Shortly after the closure of Signature Bank on March 12, the Treasury Department, Federal Reserve, and FDIC put out a joint statement on the measures that they would take to address this banking crisis. They used emergency provisions to prevent contagion to guarantee that those who held money in Silicon Valley and Signature bank would be able to have their deposits paid back in full. While the federal government acted to ensure that the bank's customers would get their money returned, the banks themselves did not get bailed out. The banks would still remain closed, those who owned shares of the banks were not compensated for their financial losses, and those that the banks still faced the

potential accountability for their actions. The FDIC set up bridge banks to manage the remaining assets of Silicon Valley and Signature Banks and allow the banks' customers to receive financial services for their accounts. Meanwhile, the FDIC would work to find other banks that could buy and take ownership of Silicon Valley and Signature. They also authorized the lending of billions in additional funds to various other regional banks. These funds would be used as a precaution against potential bank runs, to ensure that these banks could pay back depositors without running out of money.

Following these announcements, the Treasury, Federal Reserve, and FDIC took steps to deal with the situation. There were runs on other banks, with Americans reportedly withdrawing nearly \$100 billion in funds from banks nationwide in the week following Silicon Valley and Signature's collapse. So far, no other major banks have collapsed. On March 26th, the FDIC announced that Silicon Valley Bank would be taken over by First Citizens Bank. Congressional lawmakers have begun conducting investigations into the bank failures, as well as the condition of the banking system and its regulatory oversights more broadly. The Federal Reserve and FDIC are expected to put out reports on the bank failures by May 1st. It remains to be seen how this banking crisis will develop going forward; whether the worst of it has already passed, or if additional problems may arise in the future.

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New York Prohibition Party History

William Sulzer's Speech Before the 1916 Prohibition Party National Convention in Pittsburgh

"When they ask you why I am for prohibition, you tell them because I have the courage of my convictions; because I am against intemperance; because I do not straddle a fundamental principle; because I will not be a hypocrite; because I love my fellow man; because I believe the time has come for the Government to get out of the liquor business; because I want no man to enslave himself, to shackle his friends, to widow his wife, and to bring sorrow to the homes of his fellow man; because I want no friend of mine to make his children dotards, and the children of his associates tear-stained orphans; because I am opposed to any man picking his own pocket and doubling his taxes; because I know from experience that a dollar saved is a dollar made; and, finally, because I want to do my share, in my day and generation, to lessen the woes and the wants of humanity; to end the crimes and the criminals of society; and to decrease the poorhouses and the penitentiaries of the country."

"When they ask you why I am for prohibition you tell them that I am for prohibition because I want our men and women to come out of the swales of drunkenness up to the heights of soberness and get the perspective of the promised land; because I know from facts that those who earn their wage in the sweat of their face and spend it for strong drink are fooling themselves and robbing their families; because I know from statistics, medical and physiological, that the use of alcoholic drinks is death to brain and brawn, and fetters to hope and ambition; because I know from an economic standpoint, to say nothing about its moral and its physical aspects, that the prohibition of the manufacture and the sale of alcoholic liquors, for beverage purposes, will be one of the greatest boons that ever blessed humanity—a tremendous factor for good to every man, woman, and child on earth— a harbinger to all mankind in the struggle for success; and one of the most potent agencies in the world to increase the material wealth of America in the onward and upward march of civilization."

"When they ask you why I am for prohibition you tell them because I want to make the hearthside happy; because I want to make mankind free; because I want to

make the State sober; and because I know the home cannot be happy while the people are rioting in alcoholic drunkenness."

"Tell them that I say no State, and no country, can long endure half wet and half dry, half drunk and half sober, and that all friends of good government should be with us in the fight to make the State sober, and to banish forever the saloons from our country."

"Tell them that we boast that we are the greatest and richest country in the world; that we have a population of more than 100,000,000 people; that its estimated wealth is more than \$200,000,000,000; that its annual revenue from the liquor traffic is about \$200,000,000; that the people spend every year for alcoholic liquors more than \$2,000,- 000,000 — just about ten times as much as the Government derives from the revenue, a sum of money that staggers the finite mind; that most of the money comes from the poor, and if it were deposited in savings banks to the credit of the toilers we would have a Government without a pauper, and the richest people per capita since the dawn of time in any land or in any clime."

"Tell them that you know, and I know, that for every dollar the Government gets from its association with the liquor business it costs the taxpayers at least \$20 to support courts and juries, hospitals and asylums, paupers and prisoners, poorhouses and penitentiaries. Tell them that the use of alcoholic stimulants is blighting the hope of our womanhood, debauching the flower of our manhood — morally, mentally, and physically — and devastating, degenerating, and decimating the human race."

"Tell them that if I were asked to sum up in a single word the cause on earth of more than seven-tenths of all the woes and all the wants; of all the fears and all the tears; of all the trials and all the troubles; of all the ghoulies and all the ghosts; of all the crimes and all the criminals; of all the groans of helpless men, and all the griefs of weeping women, and all the heart pangs of sad-faced children, I should sum it all up in that short word— R-U-M— RUM— which menaces the progress of the race, and challenges the advance of civilization."

Source: <https://archive.org/details/lifesppeechesofw01sulz/page/n53/mode/2up>