

New York Prohibitionist



Think NY Vote Dry

September 2023

Volume 6 #6

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.

"Everything is theoretically impossible until it is done." Robert A. Heinlein

State and National Party News

The Prohibition Party continues its work on the state and national level. On the national level, the party has been working on preparations for the 2024 presidential campaign. This has included some updates to the party website and preparations to be able to run social media ads for the campaign.

On the state level, we have continued to work on issue advocacy, networking, and informing New Yorkers. In New York state, there will be various local elections in many areas of the state this coming November.



Keeping an Eye on Local Elections

This year's November elections are approaching. While this year may not have the kind of large state and federal level elections that we will have this year, there will still be many local elections that will be happening in counties, cities, towns, and villages throughout the state. These local elections can shape the future of local government and policies for these communities and affect day-to-day life in your community. As such, it is important to seek to be informed about the local elections in your community.

There are various ways that you can seek to be informed about upcoming elections. Websites for County Boards of Elections tend to have information about what local offices are up for election this year and what candidates are going to be on the ballot. Local newspapers and media outlets may provide some information about what offices are up for election and who is running for them. Some candidates for office may have their own websites or social media accounts for their campaign, which could be looked at for more information regarding their background and stances on some issues. Sometimes candidates may have some form of contact information, which could be used to reach out to the candidates and ask them about their stances on issues relevant to their office. Sometimes there may be events or other opportunities to meet candidates in person and learn more about them. Online searches of candidates' names can sometimes find additional sources of information. Through the use of various methods, it is often possible to find at least some information on local candidates

It is important that we seek to be as informed as we can about the local candidates in our communities in terms of their records, qualifications, and stances



on important issues that the office they seek would play some role in addressing. Where possible, it can be good to try to reach out to local candidates to help make them aware of important issues facing the community and to encourage them to support positive policies. By being an informed and engaged voter, you can better express your will at the ballot box and work to promote the election of more qualified and dedicated public servants.

The Case for a Cigarette Ban in the USA

By. Michael Wood

Cigarette smoking is a global health crisis that claims millions of lives each year. New Zealand's recent ban on cigarette sales to individuals born after 2008 and the United Kingdom's proposal to enact a similar law have sparked discussions about whether the United States should follow suit. This essay explores the compelling reasons for the United States to consider implementing a similar ban, focusing on the staggering number of tobacco-related deaths and the measures already taken to restrict cigarette advertising.

Tobacco use takes a grim toll in the USA. It remains the leading cause of preventable death and disease in the United States. According to the Centers for Disease Control and Prevention (CDC), approximately 480,000 Americans die each year due to tobacco-related illnesses. This startling statistic highlights

the urgency of addressing the tobacco epidemic in our country. Moreover, the economic costs associated with smoking are substantial, with the CDC estimating over \$300 billion annually in direct medical costs and lost productivity.

New Zealand's approach can be a lesson for the USA. NZ's bold move to prohibit the sale of cigarettes to those born after 2008 demonstrates a commitment to reducing the harm caused by tobacco. By adopting a forward-thinking approach, they aim to create an entire smoke-free generation; thus sparing future generations from the burden of nicotine addiction. The USA can draw inspiration from this approach, recognizing that early intervention is key to curbing tobacco-related harm.

This month's proposal by the UK Prime Minister, Rishi Sunak, signifies a growing global awareness of the need to more aggressively combat tobacco use. His proposal, if enacted, would focus on restricting access to cigarettes for young people, a critical first step in the fight against smoking-related illnesses. The USA should use this international momentum toward stricter tobacco control and take similar action. The USA needs to be a leader in this global effort.

The United States has already taken significant steps by restricting cigarette advertising. The Family Smoking Prevention and Tobacco Control Act of 2009 granted the Food and Drug Administration (FDA) authority to regulate the marketing and promotion of tobacco products. This legislation led to powerful warning labels on cigarette packaging and limitations on advertising in various media. While these measures have made a positive impact, a complete ban on cigarette sales to individuals born after 2008 would be a more potent approach to reducing, and eventually eliminating, tobacco use amongst America's youth.

Enacting such a ban on cigarette sales does pose challenges and some important considerations, such as the potential for a black market and the impact on adults who smoke. At the same time, it does not address the risks posed by vaping/e-cigarettes - but it is an important first step. To address these concerns, the government should implement

comprehensive smoking and vaping cessation programs and invest in addiction treatment resources.

The high number of deaths caused by tobacco use in the United States, along with the recent actions of New Zealand and the United Kingdom, underscores the urgency of enacting a similar ban in the USA on cigarette sales to individuals born after 2008. While restrictions on cigarette advertising have made progress, a more proactive approach is needed to protect future generations from the deadly consequences of smoking. Implementing such a ban would signal a commitment to public health, reduce the financial burden on the healthcare system and ultimately save countless lives.

The United States stands at a historic crossroads, in a position to immediately shape the global movement against tobacco. This challenge demands visionary and resolute politicians to lead our country into a smoke-free future.

FDA May Be Nearing Decision on Flavored Tobacco Ban

There are indications that the FDA may be nearing a possible decision on creating a ban on the sale of flavored tobacco products. In April 2022, the FDA had announced that it was looking into enacting regulations to ban the sale of menthol flavored cigarettes and flavored cigars. After a period of accepting public comments, the FDA began looking into ways to design these regulations. Previously, the FDA had planned to finish designing the regulations for this ban in August of 2023. But in August, an FDA spokesperson had announced that they had not managed to get them completed yet. It has been reported that the FDA may finish designing regulations for the planned bans on menthol cigarettes and flavored cigars sometime in the coming months.

This movement towards increased restrictions on flavored tobacco is the product of over a decade of activism, legislative efforts, and regulatory planning. In 2009, a law was passed banning the sale of most forms of flavored cigarettes. Lobbying efforts by the tobacco industry resulted in one of the most prominent flavors, menthol, being

excluded from this ban and tobacco companies being allowed to continue to put menthol in cigarettes. This has been especially problematic, as scientific research has shown that the inclusion of menthol tends to make tobacco products more addictive and makes it easier for people to start smoking. Additionally, the sale of menthol tobacco products has been found to have a disproportionately negative effect on the African American community, women, and the LGBT community. Over the past 14 years, various anti-tobacco activist groups have been working to get the FDA and other governmental bodies to take action against menthol cigarettes and other forms of flavored tobacco. There has been some headway in recent years. The state of Massachusetts became the first state to ban the sale of all flavored tobacco products in 2020, and the state of California enacted its own ban at the end of 2022. Over the past few years, the FDA has taken action to ban the sale of various forms of e-cigarette and vaping products. With the FDA working on a proposed ban on menthol cigarettes and flavored cigars, the nation could take another significant step towards stronger restrictions on tobacco sales.

There has been some disappointment among anti-tobacco activists over delays in the FDA's process. Though activists are continuing to push the FDA to move forward. Yolanda Richardson, CEO of Tobacco-Free Kids, stated that,

"The law passed in 2009 and we're here in 2023, 14 years later, so while we worked very closely with FDA on this issue, we're pretty unhappy that they've taken such a long time to get this done".

Dr. Phillip Gardiner of the African American Tobacco Control Leadership Council has stated that,

"FDA is dragging their feet again. They should become part of the solution and not continue to be part of the problem."

Dr. Jesse Ehrenfeld, president of the American Medical Association, expressed the urgency of moving forward with banning the sale of these tobacco products. He stated that,

"We implore the FDA to move swiftly to remove these harmful products from

the market once and for all and keep them out of the hands of our nation's youth — their health and well-being must be the first priority”.

FDA officials have expressed that they are still working on finalizing the proposed rules for banning the sale of menthol cigarettes and flavored cigars, and that they intend on following through on the effort when they are able. They stated that while they had previously had the goal of getting it done by August, that the timeline for regulatory efforts can often end up changing to accommodate the circumstances. In a statement from the FDA, it was said that,

“The government’s Unified Agenda lists regulatory actions being worked on and estimates for when they may be completed — these timelines are estimates and often change... Since publishing the proposed rules in April of 2022, the FDA has continued to work vigorously toward finalizing both product standards. We will continue to be as transparent as possible and provide updates on the status of these rules as they become available.”

“Final regulations such as these go through an extensive rulemaking process, which includes receiving valuable input from the public... For these rules, the FDA received more than 250,000 comments from the public. The FDA is working to publish the rules in a timely fashion while ensuring this input has been appropriately reviewed and addressed.”

If the FDA manages to complete the proposed rules sometime in the coming months, then the proposed rules will have to be looked over by the Office of Information and Regulatory Affairs. That process could take months to get done. Given these circumstances, the earliest that the FDA might be able to move forward with beginning to implement the proposed rules may be early 2024.

Sources: <https://www.cnn.com/2023/09/01/health/fda-menthol-regulation/index.html>
https://www.tobaccofreekids.org/press-releases/2023_10_04_cigar-report
<https://www.aic.com/life/fda-finalizing-ban-on-menthol-tobacco-products-in-coming-months/FQUHSADGFSFMZD4GNSLPMUWNUJ/>
<https://www.healio.com/news/pulmonology/20230911/fda-says-proposed-rule-banning-menthol-cigarettes-is-top-of-our-priorities-despite-delay>
<https://www.cnn.com/2023/09/21/health/fda-youth-tobacco-sales/index.html>

“An investment in knowledge pays the best interest.” Benjamin Franklin



Supreme Court Refuses to Hear New York Ballot Access Case

The Supreme Court has declined to take action to protect New Yorkers from electoral suppression from repressive ballot access laws. At their meeting on October 2nd, the Supreme Court decided against hearing the case of Libertarian Party of New York, et al., Petitioners v. New York State Board of Elections, et al; ending any hope for a judicial remedy of the anti-democratic policies that have been enacted in the state.

In this case, the New York Libertarian Party and New York Green Party had challenged a set of anti-democratic changes made to state ballot access laws back in 2020. These changes made it vastly harder for independent and minor party candidates to petition to get on ballot for statewide offices, and make it vastly harder for minor parties to gain and retain statewide ballot access status. The petition requirement for getting candidates on ballot for statewide offices was raised from 15,000 signatures to 45,000. The requirements for a party to gain or retain statewide party ballot access status was changed from receiving at least 50,000 votes for governor every four years, to receiving at least 130,000 votes or 2% of the total vote (whichever is more) for governor or president every two years. These changes have made New York state's ballot access standards some the hardest in the nation, have caused four parties to lose their statewide ballot access status, and have vastly reduced the number of choices.

Over the past few years, the New York Green Party and New York Libertarian Party have challenged the ballot access law changes in various state and federal

courts, contending that these changes produce an unconstitutional burden on the ability of citizens to participate in the electoral system. After state courts failed to take action to strike down the ballot access law changes, they appealed to federal courts. After each lower level of the federal courts declined to strike down the law, the case was appealed to the Supreme Court earlier this year. Over the past few months, briefs were being sent to the Supreme Court in preparation for the possibility that the court may decide to hear the case. But when the Supreme Court met on October 2nd, to consider what cases they would take on, they declined to hear the case.

This continues a decades-long trend of the Supreme Court refusing to take on cases where minor parties and independent candidates challenge ballot access requirements. The Supreme Court has not heard a ballot access case of this type since *Norman v Reed* in 1991.

With the Supreme Court declining to hear the case, the 2020 ballot access law changes will continue to be in effect in our state. This will continue to have a detrimental effect on the options of voters, as it has over the past few years. In 2022, the New York Gubernatorial election had only two candidates on the ballot for governor, for the first time in several decades. The number of State Assembly districts with distinct third-party candidates decreased from 31 in 2018 to 9 in 2022. In 2022, 44 State Assembly districts (nearly 30% of all districts) and 17 State Senate districts (over 27% of all districts) had only one candidate on the ballot. Election expert Richard Winger has predicted that if the state's ballot access laws aren't changed then in 2024 New York state might end up being the only state in the country with only the Democratic and Republican candidates for president on the ballot. Which would be a disgrace for our state. If that scenario ends up being the case, then no minor party that does not currently have statewide ballot status will be able to get that status until at least 2026. Additionally, if these restrictive ballot access laws continue, we will likely end up seeing far fewer minor and independent candidates on the ballot than we otherwise would have and we will likely end up seeing a significant portion of state

legislative offices with only one candidate on the ballot. These effects will ultimately amount to voters having fewer choices and less of an ability to express their will through voting for the candidates and parties of their choice.

With the possibility of judicial relief gone, ballot access law reform will need to be done through the state legislative process. Activists will need to work to convince members of the state legislature and the governor to pass a bill or bills to undo the 2020 ballot law changes and establish fairer ballot access standards in its place.

There have been some efforts among some state legislators to reform the state's ballot access laws. During this year's regular legislative session, Assemblymember Blankenbush and five other members of the State Assembly sponsored Bill A03312. This bill, if passed, would undo many of the 2020 ballot access law changes. 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 ended up getting stuck in the Assembly's Committee on Election Law.

State Senators Jackson and Sanders introduced Bill S1031, during the regular session. This bill, if passed, 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 got stuck in the State Senate's Committee on Elections.

Hopefully, these bills or similar bills will be introduced in the state legislature in this year's coming legislative session. Though, it will take increased efforts by activists and citizens in this state in order to convince more state legislators to take action. More state legislators will need to be convinced or pressured by constituents

to take action, in order for ballot access reform bills to make it out of committee and hopefully get passed in each chamber.

Activist efforts will also need to address Governor Kathy Hochul. Governor Hochul, despite promising to move away from the problematic actions of former-Governor Cuomo, has remained silent on the issue of the 2020 ballot access law changes. Governor Hochul has publicly touted the passage of some bills to help make it easier for New Yorkers to vote, while failing to acknowledge the policies of electoral suppression that have stripped away many of the choices that voters once had on the ballot. Governor Hochul, if she so wished, could publicly propose and encourage the passage of a ballot access reform bill; like she has with various other policies since she became governor. Hopefully, one day Governor Hochul can be convinced to get behind the effort to reform the state's ballot access laws, or if she cannot be convinced to support it, to at least sign a bill, should one manage to get passed in the legislature.

It remains to be seen when ballot access reform will be accomplished in New York state. Though, the more that New Yorkers advocate on the issue, the closer we can get to it becoming a reality.

Sources: <https://ballot-access.org/2023/10/02/u-s-supreme-court-refuses-to-hear-new-york-ballot-access-case/>
<https://spectr.unilocalnews.com/nys/central-nv/politics/2023/10/02/supreme-court-won-t-hear-challenge-to-new-york-ballot-access-laws>
<https://ballot-access.org/2023/10/03/new-york-media-utterly-fails-to-report-that-new-york-is-now-likely-to-be-the-only-state-in-the-nation-in-the-2024-presidential-race-with-a-democratic-republican-monopoly/>
https://615c4beb-b241-4f4a-a6b4-a074dc02ce34.filesusr.com/ugd/2cc7be_f9d33e5d15534dad93f1ae2494fd33f6.pdf
https://ballotpedia.org/New_York_State_Assembly_elections,_2022
https://ballotpedia.org/New_York_State_Senate_elections,_2022
<https://nyassembly.gov/leg/?bn=A03312&term=2023>
https://615c4beb-b241-4f4a-a6b4-a074dc02ce34.filesusr.com/ugd/2cc7be_ea8cf0a45819434488647716593e9bc4.pdf
<https://ballot-access.org/2023/09/21/new-york-governor-press-release-somehow-fails-to-mention-states-horrible-ballot-access-laws/>
<https://www.governor.ny.gov/news/governor-hochul-signs-legislative-package-strengthen-democracy-and-protect-voting-rights>

"Liberty without virtue would be no blessing to us." Benjamin Rush



New York Prohibition Party History

Silas W. Mason



Silas W. Mason and Amanda F. (Persons) Mason.
From Westfield Republican, July 28, 1926.

Silas Wright Mason was a lawyer, politician, and Prohibition Party activist. He was born on November 17, 1841, in Ellery, Chautauqua County, New York. He was the son of Luther Martin Mason and Amanda F. (Persons) Mason and was one of twelve children they had. He was of Scottish Irish and English descent. His father was a farmer and Millwright. He grew up in the town of Harmony, Chautauqua County, New York.

Silas Mason was educated in public schools until he was 14. He spent a year working as an insurance salesman, then went on to study at Westfield Academy. During his second year, he spent one term teaching schools. He graduated from Westfield Academy in 1859. He spent some time in 1860 working as a professional musician. He studied at Bryant and Stratton Business College in Ohio and graduated from there in 1861. He then went to Venango County, Pennsylvania, and spend some time being involved in the real estate and oil businesses, before returning to Chautauqua County and coming to live in Westfield, New York by 1863.

Silas Mason married Amanda F. (Persons) Mason on March 5, 1863. They had three children (one of whom died in infancy): George P. Mason (b.1863-d.1928), Louie Mason (b.1865-d.1865), and Clara M. (Mason) Sears.

By 1865, Silas Mason had a farm in Westfield. He also was working as a clerk and continued to have some involvement in the oil business. Around 1870, he began to read law with attorney Austin Smith. He went to Albany Law School, graduated, and was admitted to the bar in 1872. He then began his career as a lawyer. He was a general practice lawyer and became one of the most prominent lawyers in Westfield. He argued a variety of cases, including ones in the New York State Supreme Court. In 1875, he served as a Justice of the Peace.

Silas Mason and his wife Amanda were involved in their community. Both were involved members of the Presbyterian Church in Westfield. Silas at some point served as a trustee for the church. Amanda had been involved with the church's missionary and aid society efforts, had been a church organist, and had sung in the church quartet. At some point in his time living in Westfield, Silas had been on the local board of education, had been president of the local YMCA, and was a notary public. In 1888, he was on the board of trustees of the Westfield Cemetery Association. Amanda was a member of the National Daughters of the American Revolution, the National Society of New England Women, the National Society of the U.S. Daughters of 1812, and the Frances Scott Key Memorial Association. She was a member of the WCTU and was for some time the president of the Chautauqua County WCTU.

Silas Mason was a supporter of temperance and prohibition. The Westfield Republican newspaper described him as a pronounced temperance worker, who endorses the sentiment in theory and practice. He delivered speeches at various events in support of prohibitionist policies. He delivered speeches in Westfield, as well as other towns, such as Sherman, New York, and Bradford, Pennsylvania. For instance, in 1884, during a discussion on the merits of continuing local prohibition policies in Westfield, Mason spoke in favor of local no license policies, contended that allowing such policies to lapse would make things worse for the community, and spoke in favor of national prohibition.

"I do not believe in legalizing a wrong. If it is wrong to sell intoxicating liquors as a beverage, then I say refrain from selling it at all".

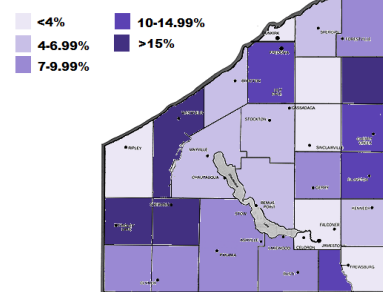
"I believe that the manufacture and sale of intoxicating liquors should be prohibited by Congress".

While delivering a speech in Bradford, in 1892, Mason argued in favor of prohibitionist policies and for people to vote for the Prohibition Party. He stated that the Prohibition Party was the only national party that supported prohibition. He spoke against those who voted in favor of legalized alcohol; contending that a man who votes to continue legalized crime shares in the responsibility of those evils.

When it came to politics, Silas Mason was a Democrat, before joining the Prohibition Party. In 1879, he was the Democratic candidate for Chautauqua County Judge. He reportedly received a relatively large number of votes, but was not elected. In 1883, the local Democratic Party nominated him as a candidate for Justice of the Peace. He came in second place with 312 votes (49.05%). Mason's support for prohibition led him to join the Prohibition Party in 1881.

Silas Mason ran as a Prohibition Party candidate for a variety of state local and state offices. In 1882, he was the Prohibition Party candidate for Chautauqua County Judge. In 1884, he was elected Village President of Westfield (though it is uncertain if it was under the Prohibition Party ballot line). In 1884, he ran as a Prohibition Party candidate for State Assembly in Chautauqua's 1st Assembly District. He received 286 votes and 4.43% of the total vote. In 1885, he ran the Prohibition Party candidate for town supervisor. He received 70 votes and 12.8% of the total vote. In the same year, he was a delegate to the Prohibition Party state convention. And in 1885, he was the Prohibition Party candidate for State Senate. He received 988 votes and 6.99% of the vote.

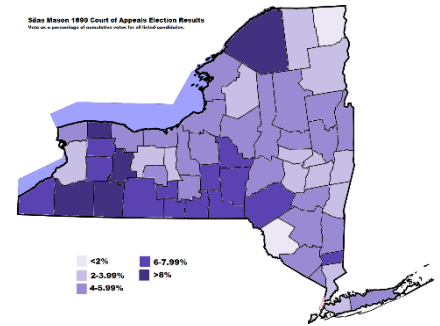
Silas W. Mason 1885 State Senate Election Results



Mason's strongest results were in the towns of Villenova (25.74% of the vote), Mina (22.82%), Westfield (17.46%), and Sherman (15.72%).

In 1887, ran as the Prohibition Party candidate for state Attorney General. Prior to being nominated for Attorney General, he was nominated as the Prohibition Party candidate for Assembly in Chautauqua's 1st Assembly District. After the Party nominated Mason for Attorney General, G.F. Dickson replaced him as the party's candidate in Chautauqua's 1st Assembly District. Dickson received 653 votes (13.51% of the vote). In the state Attorney General election, Mason received 40,286 Votes and 3.86% of the total vote.

In 1888, Mason was elected excise commissioner in Westfield. He received 318 votes, while his opponent Hugh C. Stephens received 306 votes. In 1889, Mason ran as the Prohibition Party candidate for Justice in the 8th District of the New York State Court of Appeals. In 1890, Mason was the Prohibition Party candidate for Justice on the New York State Court of Appeals. Mason received 33,621 Votes: 3.35% of the total vote and 3.45% of the cumulative vote of listed candidates.



In 1892, Mason ran as a Prohibition Party candidate for three different offices at different points in the year. In February, he ran as one of the Prohibition Party candidates for Inspectors of Elections in Westfield's 2nd Election District. Mason and the Prohibition Party Candidate John R. Fay, ran against two Republican and two Democratic candidates for two Inspector of elections positions. They both received 66 votes, came in 5th and 6th place, and the seats were won by the two Republican candidates. In March, Mason ran for Village President of the village of Westfield. He received 147 votes, while the winning candidate E.H. Dickerman received 217. In August, Mason was nominated as the Prohibition Party candidate for Chautauqua County District Attorney. The election was held in November. Republican candidate John Woodward won the election, and Mason appears to have come in third place. In 1893, was the Prohibition Party candidate for Justice on the State Court of Appeals. He received 32,849 votes and 2.90% of the total vote.

After running as Prohibition Party candidate for various offices, Mason continued with his career as a lawyer in Westfield for the remainder of his life. In 1896, Democratic Presidential Candidate and prohibition supporter, William Jennings Bryan, delivered a short speech while visiting Westfield. After another resident called for three cheers for Bryan, Mason called for three cheers for Bryan's wife. Mason's son George and daughter Clara grew up and ended up moving to Florida. His daughter married Harry L. Sears and had two children: Mason O. Sears and George B. Sears. In 1917, his wife Amanda was involved with the campaign to establish Women's Suffrage in New York State. His wife Amanda died on May 30, 1926. On October 28, 1927, Silas Mason died while at the home of his daughter in Jacksonville, Florida. His son George brought his body back to Westfield, New York and he was buried in the Mason family vault in Westfield Cemetery.

Source: https://615c4beb-b241-4f4a-a6b4-a074dc02ce34.filesusr.com/ugd/2cc7be_b4f96ee113a2d4dfbacafe0223fb7a03c.pdf