
NO SAFE HARBOR

Essays About Pirate Politics



United States Pirate Party

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The only way to deal with an unfree world is to become s
absolutely free that your very existence is an act o
rebellion.

- Albert Camu

Where this age differs from those immediately precedin
it is that a liberal intelligentsia is lacking. Bully-worship
under various disguises, has become a universal religion

and such truisms as that a machine-gun is still a machine-gun even when a “good” man is squeezing the trigger have turned into heresies which it is actually becoming dangerous to utter.

- **George Orwell**

Timid men prefer the calm of despotism to the tempestuous sea of liberty.

- **Thomas Jefferson**

To deprive a man of his natural liberty and to deny to him the ordinary amenities of life is worse than starving the body; it is starvation of the soul, the dweller in the body.

- **Mohandas Gandhi**

DEDICATION

This book is dedicated to all of those who would educate themselves about the political issues of our time and seek to change the course of events by becoming embroiled in that change.

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The United States Pirate Party would like to thank all of those who allowed us to use their material, either that which existed before we edited this book, or those who saw a hole that needed filling and helped fill it. We salute you.

We would also like to thank you, the reader. Just as a tree that falls in a forest may not make a sound if there is no one around to hear it, so too it goes with words. Words, with no one around to read them, never change worlds.

FOREWORD

The first Pirate Party was founded on January 1, 2006 by Rick Falkvinge in Sweden.

Six months later, similar parties started to spring up all over the world. All of these parties started off with the same singular goal of intellectual property reform. But, these disparate parties realized that the roots of the world's problems ran deeper than even intellectual property reform could fix.

With time, these parties added many more items to their platform. These can be condensed into 3 topics - Government and Corporate Transparency and Accountability, Personal Privacy, and, of course, Intellectual Property reform.

If nothing else, 2011 will be seen as the year of the uprisings. The year began with the Arab Spring, in which the citizens of various Middle Eastern countries rose up and either overthrew their governments or caused massive changes in the governing structures. Later in the year - September - the Occupy Wall Street movement began and quickly spread across the United States and to every continent except Antarctica.

Who knows what 2012 will bring.

The problem the Pirate Party faces, and clearly, every third party, is:

- “Who are they?”
- “What do they stand for?”
- “Why should I vote for them?”

This book seeks to help alleviate that problem. To that end we have written a series of essays related to our primary platform. We decided to do this for several reasons. These reasons also mirror our platform.

The main reason is transparency. If we allow our platform to be plainly visible to

anyone who wants to know it, then we have an even greater reason to follow it to the letter.

The second reason is personal privacy. We do not ask that you tell us who you are or where you are or any other personal information when you download this book from any of the USPP websites (if you downloaded it from there)

The third reason, mirrors the intellectual property reform we seek. We have licensed this book under a Creative Commons license. You can do anything you want to with this book. Email it to anyone, copy passages, post pieces to your website, whatever. As long as your use is not commercial, it should be allowed.

The fourth is that of education. An ignorant man looks in the mirror, likes what he sees and is happy with that. The wise man looks in the mirror, sees what he does not know, and is always questioning that which he does know. So we are left with a hope that many will read this who do NOT agree with us, but are willing to open their minds to other possibilities. That it will lead to self-investigation of topics and a broader, better informed conversation on the topic.

Only when we have dialogues of substance, free of spirited invective, fear mongering, soundbites, and claims fabricated from whole cloth, can we start addressing the problems properly.

The United States Pirate Party December 1, 2011

Part 1

GOVERNMENT AND CORPORATE TRANSPARENCY AND ACCOUNTABILITY



ASSASSINATING CITIZENS

MARCUS KESLER

On September 30th, 2011, the CIA targeted and killed a citizen of the United States overseas. The citizen was Anwar Al-Awlaki, a Yemen-American born in New Mexico who was living in Yemen where he practiced his religion as an Imam and who has been accused of hiding in Yemen to avoid capture for his suspected role in various terrorist attacks against the United States.

In December of last year, Al-Awlaki's father filed suit against the Justice Department to stop the targeted killing of his son as authorized by President Obama. US District Judge John Bates dismissed the case, stating that his father had no standing to file suit and that a judicial consideration regarding the extrajudicial execution of a US citizen would have to wait another day [1]. Lawyers for the US Government would not confirm that Al-Awlaki was targeted for execution, but stated that Al-Awlaki could always file suit himself or present himself to US authorities.

The argument made by the Justice Department was that a US citizen has to file suit and present himself to a court in order to prove that the Government has no authorization to execute him, that he is guilty until he proves himself innocent. This decision appears to stand in stark contrast to the 5th Amendment of the Constitution of the United States, which would seem to offer multiple protections to a US citizen in this case:

1. The right to have a grand jury hear the case that the Justice Department brings against them, to decide if there is enough evidence to proceed with

trial. Crimes punishable by death must be tried after indictment. The Government never made its case in a court of law, instead it argued before Judge Bates that the burden of proof that Al-Awlaki should not be executed lies with him. This also appears to bring forth another aspect of the 5th Amendment, self incrimination.

2. The 5th Amendment states that a witness may not be forced to testify if such testimony could lead to the witness incriminating himself. Requiring a person to argue why they should not be executed without due process, instead of filing a case against such a person and arguing to a jury why this person should be executed, would certainly result in self incrimination. Another important distinction to make is that asserting your right to remain silent and refusing to testify does not imply guilt. The Supreme Court reinforced in 2001 that the constitutional safeguard exists specifically for the innocent, stating in the ruling of *Ohio v. Reiner* that "This Court has never held, however, that the privilege is unavailable to those who claim innocence. To the contrary, the Court has emphasized that one of the Fifth Amendment's basic functions is to protect innocent persons who might otherwise be ensnared by ambiguous circumstances." [2] The common assumption of "If he won't testify against himself, then he must have something to hide" is simply not supported in judicial case law, and the framers intention was clearly to protect US citizens from an aggressive Government.

3. Due Process: A person may not be deprived of life, liberty, or property without "due process." The Government is held to abide by the law of the land even if the person stands accused of violating the law. The argument of "the person is accused of breaking the law of the land, so he lost the protection of the same laws" does not stand.

Since the beginning of this "War on Terror" the role of constitutional safeguard when dealing with accused terrorists has been a question that has been raised multiple times. When these questions are raised inside a court of law, the preferred tactic of the Justice Department has been to raise the issue of "national security." The argument is they cannot answer questions, because answering them would place the United States in danger. So not only is the burden of proof on the accused, but the Government argues that it does not have to defend itself because doing so would harm national security. When the Government does give an answer, usually outside a court of law to avoid establishing case law that could hinder its operations in the future, the answers include various arguments about how constitutional safeguards do not apply to individual cases:

1. When news surfaced about the actions of US soldiers in Abu Ghraib, people started to question if these actions violated our laws or international law. The argument was that since the prisoners were neither US citizens, nor held on US soil, no constitutional safeguards applied. The remaining question on whether these actions violated international law was never fully answered either.

2. When presented with news regarding the detainment and

torture/enhanced interrogation of enemy combatants at the Guantanamo Bay Detention Camp located inside the Guantanamo Bay Naval Base the question of constitutional safeguards was raised again. This time the Government was acting inside US jurisdiction, located on land under the control of the United States Government leased from Cuba. The argument was raised that since the land was controlled by the Government, the law of the land applies and must be followed by the Government. The Justice Department argued that since the detainees were not US citizens and classified as enemy combatants, no constitutional rights exist that would protect the detainees. The mantra repeated by supporters of these actions was "if you are not American, you are not protected by the Constitution."

3. Anwar Al-Awlaki was a United States citizen, and as such should have been protected by Constitutional safeguards. The main argument against giving enemy combatants the protections guaranteed by our Constitution has been the lack of citizenship. "American Rights are only for Americans" could not be used as a disqualification for Al-Awlaki. Instead the Justice Department issued a memo with the opinion that war is due process enough [3]. Instead of trying him before a court to decide if he has committed a crime worthy of the death penalty, which would be the definition of due process, it was decided that the fact that we are at war and think he is on the wrong side was enough due process to justify an extrajudicial execution (otherwise known as an assassination).

So we now have a very slippery slope. When the "War on Terror" started, the enemy was "them" and they had no rights. Then the enemy became "foreigners on foreign soil" and they had no rights. Once we were acclimated to that assumption, the enemy became "foreigners on US soil" and they had no rights. Now the enemy can be a US citizen, who has no rights, and can be assassinated at the discretion of the executive branch of our Government. Who will be the next person or group to be summarily stripped of the protections granted to them by our Constitution?

After the Oklahoma City Bombing, a terrorist attack orchestrated and executed by an American citizen, Timothy McVeigh was not assassinated. He was arrested, indicted, tried in a court of law, and then executed. Following the Fort Hood shooting, Nidal Malik Hasan is awaiting court martial for his accused crimes. After the Tuscon Shooting, Jared Lee Loughner was arrested and has been indicted for the attempted assassination of a member of the House of Representatives. He is awaiting trial, and is still considered innocent until he has been found guilty by a court of law. Here we have three American citizens who have been accused of terrorism and murder, who are given full due process as guaranteed to them by the Constitution of the United States. Anwar Al-Awlaki was accused of committing many crimes against fellow citizens of the United States, but he has never been charged with the act of taking another person's life. The accusations against him include hateful speech, inciting violence, calling for the murder of fellow

Americans, even training others how to kill Americans. And for these accusations he was executed by the CIA. It appears that if you are accused of killing your fellow citizens, you are entitled to due process in accordance with our Constitution. But if you are accused of training or encouraging others to kill your fellow citizens, you can be assassinated without any judicial proceeding at all.

Where will this development lead us? Should our Government be able to declare that US citizens who speak out against the Constitution lose all constitutional protections? What makes a citizen an enemy combatant? It appears that rhetoric may be enough, since even citizens who stand accused of murder are entitled to due process. Does speaking out against the United States and its Government meet the threshold of abandoning your own constitutional safeguards?

If so, then what will stop our Government from deciding that protesters in the United States who speak out against their country have surrendered their constitutional rights? What about members of the Tea Party movement who are fighting against their government and speak about "watering the tree of liberty with the blood of tyrants"? The current actions of our Government is reminiscent of the Cold War, but the majority of people would have expected these actions from the "other guys."

We believed in truth, justice, and the American way; and assassination of its own citizens was something the "communists" would do. The United States has entered a dangerous time in our history and we must decide which path we want to take. Do we want to remain on the path where the Constitution is absolute, our rights are inalienable, and justice prevails? Or do we follow the darker path where justice is achieved without a judge, rights are ignored, and the Constitution cast aside when convenient. And if we follow that path, who will be the next group that gets edited out of our Constitution?

THE WORST PART OF CENSORSHIP

IS [THIS PHRASE HAS BEEN SEIZED BY ICE]

RYAN MOFFITT

Anyone who has been within 100 yards of a television, radio or computer in the last 30 years or so has heard of .com, .net, .org, et cetera. These are top level domains (TLDs) and serve as the first step in pointing your web browser in the direction you want it to go. TLDs are hosted on root domain servers around the world, and serve as the backbone for the internet as we know it today. In a perfect world, these servers would hum along, receiving periodic maintenance and let us surf on our merry little way.

But by this point, you've probably learned that we don't live in a perfect world.

These TLDs have come under attack, and it's not from your usual e-terrorist wielding a zombie botnet army. The U.S Department of Homeland Security has been on the attack, wielding the Immigration and Customs Enforcement Agency (ICE), a \$5 billion annual budget and hundreds of special agents trained in intimidation tactics and the latest in technological expertise. The ICE Cyber Crimes Unit has undertaken operations to forcibly remove websites from the .com, .net and .org TLDs for supposed intellectual property violations. Dubbed "Operation Within Our Sites," ICE never informed the rightful owners of the sites they were being investigated, and the operators of the sites did not find out about the seizure until they discovered it themselves. When they contacted the web space provider, they were simply given the name and number of an ICE Special Agent, who refused to comment on ongoing investigations. As of the publishing date of this book, Within Our Sites has seized at least 90 known websites and has severely interrupted service for 82,000 others in various technical foul-ups and miscommunications.

Now this all sounds fairly terrible, doesn't it? Big Brother stepping over free speech and all that again, right? Well, here's where it gets a bit more complicated.

Remember those root name servers? Those servers aren't always operated by altruistic organizations who have your best interest in mind. I'll use .com and .net as an example, as the overwhelming majority of websites you navigate to will be in the .com and .net TLD. The root name servers for these two domains are owned and operated by a private corporation called Verisign. As the operator of the largest root name servers in the world, the Department of Homeland Security, the Department of Justice and ICE have put the figurative screws to Verisign. When asked about this development, the US government argues that because Verisign

is an American company, it has the unrestricted and unilateral power to shut down entire portions of the .com and .net domains, whether or not the sites are hosted on American servers or owned by American citizens. Through ICANN pressure, censorship-friendly judges issued sealed court orders to Verisign, which promptly took down the supposedly infringing sites without so much as a question being asked.

It gets worse still.

Verisign, fearing further pressure from not only ICE, but from local and federal law enforcement agencies, and seeking to dodge criticism for taking down domains that had been ruled legal in other localities, filed an astonishing and unprecedented request with the Internet Corporation for Assigned Names and Numbers (ICANN), the organization in charge of assigning IP addresses and managing all of the TLDs in October 2011. This request was for ICANN to allow Verisign to shut off websites in the .com and .net TLDs when simply asked by a law enforcement agency, without requiring so much as a court order, search and seizure warrant or even a phone call from a judge. This power would apply to any website, hosted and/or owned by anyone, anywhere in the world and without any form of due process. The proposed rules, to the surprise of nobody, were crafted with the assistance of US Immigration and Customs Enforcement, the Departments of Justice and Homeland Security and the Federal Bureau of Investigation and proposed by what has now become the puppet organization Verisign.

The justification presented to us by these organizations for warrantless property seizure, in clear violation of the 4th Amendment has been to “control intellectual property infringement in the digital age.”

That's right, folks. Your constitutional rights are inconvenient to Hollywood. A free society is not conducive to shoving chunks of human culture in a box and setting armed guards in front of it. Hollywood's heavy-weights believe so heavily in censoring the internet, they held a little meeting in May, 2007. The US Chamber of Commerce (a corporate lobbying organization not to be confused with the US Department of Commerce) held a seminar in Stockholm entitled “Sweden - A Safe Haven for Pirates?” The speaker, Johan Schluter of the IP lobbyist group, Danish Anti-Piracy Group gave a speech. In this speech, Mr. Schluter espoused how much he loves child pornography. Why does he love child pornography so much?

“Child pornography is great! ...It is great because politicians understand child pornography. By playing that card, we can get them to act, and start blocking sites. And once they have done that, we can get them to start blocking file-sharing sites.”

-Johan Schluter, Danish Anti-Piracy Group

Using this logic, intellectual property advocates have successfully played law enforcement agencies and politicians into their hands and have begun the blatant and unashamed attack on basic civil liberties.

What the IP lobbies never counted on was the counterpoint to call them on the nonsense. The Pirate movement is that counterpoint. We believe in building a future we can be proud of, rather than a future that is profitable for a few. The fundamental need for people to share has been a tenant of society since we first started drawing on cave walls. The IP lobby successfully shut down mainstream commercial sharing with Napster and Kazaa, but also succeeded in helping the proliferation of more underground methods of sharing like the Bit-torrent protocol.

People will always find ways to share and communicate, whether it moves to unregulated darknets that pop in and out of existence in hours or we resort back to sneakernet dead-drops. Seizing property without a warrant and trying to extend a single government's jurisdiction around the world only succeeds in infringing on basic civil liberties.

An industry that has to suspend civil liberties to make money is an industry the world needs to be without.



THE PARABLE OF THE PASTURE

HOWARD DENSON

This parable is probably a hundred years old, but its meaning is as fresh and significant today as it ever was:

“The voters are like cattle in a pasture. Every four years, someone brings a bull around and lets it loose in the field. It doesn't matter which bull they send in because the same thing happens to the cows.”

~~You may supply the moral of the story in language that suits your sense of propriety today.~~

Back in the 1960s and early 70s, George Wallace repeatedly said that there wasn't a dime's worth of difference between the Republicans and the Democrats. Actually back then there probably was a quarter's difference.

I think it was Richard Neustadt who made the point a few years earlier that, if you take away just a few issues from the Democratic and then Republican members of Congress, you truly would have a very homogenous body of politicians.

In recent years, we have watched as Barack Obama campaigned on change, change, change, and then the Tea Party contingent campaigned on throwing the rascals out and making real change.

I will argue that, as time goes on, whoever is claiming to advocate change will end up supporting the status quo. The Tea Party members have joined movements that want their elected officials to serve a term - okay, maybe two - and then go home.

Some individuals may (reluctantly?) do their terms and then resign, but it is more common for a transformation to occur as the outsider morphs into an insider. Politician A sees all the good that he or she is doing and decides that it would be best for him or her to run again, by golly, in order to do more good.

We humans always wrap our motives and intentions in the flag or the Bible. "America needs folks like me in Washington. God wants me there to make sure that this stays a Christian country." We claim we don't want bribes or the more usual equivalent, campaign donations. We can't be bought, but, by gum, we do look after folks who think like us. This billion-dollar airplane isn't needed, the Pentagon doesn't even want it, but we've got to defend America and keep the plants making parts for the good of the country, the state, our district, and (of course, this is not important) our buddies.

We like to look back to the marble days of our country when the Founding Fathers, with halos around their head, complained about King George III, and the tariffs, and the taxes. There's one problem: We don't like to think that our forefathers often were driven by profit as much as principle.

As the party system evolved, our forefathers passed sedition laws to shut up the unpatriotic loud-mouths in the other party. First Amendment rights? Not for traitors. They deserve a hanging or at least a good hoss-whipping. We compromise with a good tarring-and-feathering.

When the federal government needed money, the early fathers listened to Alexander Hamilton and established the Second National Bank, run by Nicholas Biddle. All of the government revenue in this young country was concentrated in his bank, and it didn't take long for this hard-working financier to begin thinking of the revenue as his money.

Unfortunately, he ran afoul of Andy Jackson, who, in retrospect, could have run on the slogan "It's time for a real psycho for President." Jackson's stubbornness helped to derail Biddle's attempts to blackmail the U.S. and eventually to destroy his house of cards.

Across the pond over a century earlier, England saw a big abuse with its "South Sea Bubble," a scheme for a company to take on the nation's debt and then pay it off with special deals. It didn't work thanks to Graft and its kissing cousin, Inefficiency and Ineptitude.

During the Good War of the 20th Century, Americans remembered Pearl Harbor and rallied together. Some sang "Glory Glory Hallelujah" as they envisioned the millions of dollars that Washington was spending throughout the country. Did local contractors do right by their country and give the best deals on building new military bases? Of course, not. They worked on a "cost-plus" system.

The Truman Committee revealed that they were jacking up the prices. Suddenly, it was costing twice what they normally charged to build a barracks or a PX. Senator Harry and Bess hopped into their old Dodge and drove to these military sites to see if building materials were actually there, if workers were sawing two-by-fours and installing plumbing or foundations. Truman also looked into the dollar-a-year moguls who were supposedly helping in the war effort. Often they weren't; instead, they were trashing competitors and trying to use the feds to weaken or destroy employees' union.

In fact, any time the government has accumulated millions or billions in a special fund, corruption has ensued. Let's take the case of the Bureau of Indian Affairs (as summarized by the online Monitor.net):

"An 1887 law made the federal government responsible for collecting fees from anyone who uses tribal land, with the money to be held in a trust fund. Billions were paid by mining companies, ranchers, and others over the decades; currently over \$300 million is collected annually by the BIA (Bureau of Indian Affairs), part of the Interior Dept. The money was supposed to be given to the descendants of the original Indian land owners, but every audit since 1928 has found billions missing from the trust fund. It is certainly the greatest financial scandal in the history of the United States.

~~“In 1996, a class-action suit against the BIA was filed. The feds delayed, often claiming that vital records couldn't be found. It was later discovered that boxes of documents were being destroyed even as lawyers from the government said they were searching for them. In 1999, Interior Secretary Bruce Babbitt, BIA head Kevin Gover, and Treasury Secretary Robert Rubin were cited for contempt of court, and Rubin and Babbitt were fined \$625,000 each. In April 2000, the Interior Department moved record keeping operations from New Mexico to Virginia, where officials said all information would be entered into a master computer program [price tag of \$40 million]. Critics accused Washington of more stalling, charging that there was no proof that the computer worked as promised.” [1]~~

It didn't.

It may be pointless to argue how much of the BIA revenue was simply stolen. At minimum, it's fair to say that it provides an excellent example of robbing Peter to pay Paul; revenue seldom went to the Native Americans but was diverted into the general fund.

That ploy has been used with the Social Security monies, as patriots say it's a shame to just have that money sit there; let's use it for things we need now; we even stick in IOU's each time we take out some cash.

Now fine patriots want to turn over future Social Security monies to the private sector, to the guys and gals who brought us the musical extravaganza “The Big Meltdown of 2008.” Remember the hit songs? “A Shaft for You and a Golden Parachute for Me,” “We're Too Big to Fail, But You'll Pay and Say What the Hell,” “A Bonus and a Bail-Out, and Another Bonus for Me.” And the grand finale, “Two, Four, Six, Eight - Let's All De-regulate.”

All of that, of course, brings up the matter of China. When they were pitching social protestors in jail, it was uncomfortable. Only Hitler, Stalin, and their own Mao would approve of such brutality. By and by, however, we read about their lining up a corrupt businessman or politico against a wall and shooting him. Rough, but perhaps justified.

In our own country, some high-fliers in business have crossed the line from mere crooks to being traitors to their country and fellow citizens. The late Ken Lay of Enron infamy and Bernie Madoff of Ponzi infamy are two candidates who would not have thrived indefinitely in China.

We have to go back 2,000 years to Ovid to see why the American establishment will tolerate crooks in high places:

“Treason doth never prosper: what's the reason?”

Why if it prosper, none dare call it treason.”

And the taxpayers remained in their pastures, patiently chewing their cud and wondering what's going to happen next.

THIS ESSAY APPEARED IN ITS ORIGINAL FORMAT ON THE AUTHOR'S WEBSITE,
<http://howarddenson.webs.com/apps/blog/>

INDIE AUTHORS SHAKING THE PILLARS OF PUBLISHING

REAGEN DANDRIDGE DESILETS

Over the last few years, the publishing world has begun to drastically change. As with the music industry in recent times, people are beginning to no longer need large firms to get published. With the rise of the ebook and print-on-demand services, a writer can now circumvent the traditional system and release their work directly to the public themselves. Indie writers like John Locke, who have sold over 1 million ebooks this year without an agent or publisher, have really begun to raise some eyebrows. There are writers, like Nina Paley, who have had great success publishing without leaning on copyright laws, and, recently, libertarian activist and author Tarrin P. Lupo holds the top rated book on Amazon Kindle in the Historical Fiction for his novel, *Pirates of Savannah*. This kind of success was unheard of until just a few years ago. With all the available resources online for helping authors self-publish, as well as the ability to engage in social networking, these new authors are able to compete with the large publishing firms unlike ever before.

There are a lot of methods to self-publish, but how difficult is it really and what are some of the issues, and risks and rewards of putting oneself out there? There isn't a right or wrong in this - as mentioned, there are very successful self-published authors and there are others that don't make it so well. Some issues that can hamper an author are lack of editing, the wrong cover art and improper formatting; however, social and local networking are great ways to find people that have the know-how and skill to help with those concerns. There are several services to choose from to print books as well as services to create all the formatting needed to sell ebooks. But, what are some of the unseen obstacles that current and potential self-published authors face on a regular basis? How does it impact the very idea of free press and free speech?

One of the first things that are needed by an author to self-publish is a ~~International Standard Book Number~~, better known as an ISBN. It's not required in some cases with ebooks but to maximize your sales and get listed in large name distributors and retailers, an author really does need one. In order to get one, the author has to go to the only company allowed to sell them in the United States: Bowker. I suppose the idea is that it is easier to have one company managing the numbers, but a closer look reveals that, as usual, a monopoly creates a stifling environment that encourages price gouging and poor customer service. Self-publishing authors face expenses that can be very draining, especially in regard to getting one or more skilled editors. However, when the author goes to purchase an ISBN in preparation for publishing, they discover that one single number is \$125.00! And to add to that, if the author intends to sell in print and in ebook forms, then they will need two separate numbers for the same title. Granted, the more numbers one can buy at once, the lower the cost of each number, but if someone has a hard time coming up with the money for a single number then the idea of buying in bulk becomes daunting. In the world of self-publishing, one can get ISBNs relatively inexpensively from others that buy in bulk, such as the aforementioned printing and ebook companies online, but they usually restrict how and where you can sell since they are in a sense, the "publisher". It is possible to find others in the field of self-publishing that have been able to get large numbers of ISBNs in bulk and they are willing to sell at a much reduced rate as well. However, they may or may not have the distribution restrictions that the other companies do. There is a chance that anyone providing ISBNs as the publishing imprint would be held liable for something printed, so they will have the option to, essentially, censor what they choose to allow.

This entire process is draining and discouraging to those that wish to publish and it is not necessary. It is not unreasonable that a free market would agree to use and maintain the option for a standard of numbers to increase sales avenues. An example of this is in the world of computers (please note, it's not a truly free market, but this is an example of how we can see it work). The personal computer is an open source product that can be built by a manufacturer or by someone with the know how in their own home. It can be loaded with software built by a variety of companies and it can also be run on open source operating systems with the ability for the user to change the code and republish for use by others. The other option is the Mac, which is severely closed source and leaves the user with little options for variety and customization. Mac does a good job making up for it, but in the end, it's not enough. There are rises in compatible software so that a basic "standard" can be more easily achieved, improving their own chances on the market.

So why isn't there another option to purchase ISBNs? Because the government granted the monopoly. Clearly, this presents a problem with the idea of "freedom of the press" and indeed, "freedom of speech" as well. Perhaps, with the emergence of a large number of self-publishing authors, it would be best if the

government stepped aside and allowed the market to regulate itself. This would help loosen the burden on potential authors and publishers and allow this avenue to be more open and available.

There are other things for the self-published author to consider as well and that is the idea of “intellectual property.” The common theme is that the author retains all rights (and illustrator and commentators if such is included in the book). There are some real questions about whether or not intellectual property laws really protect the authors, artists, musicians, etc. A common question is “Did William Shakespeare suffer any income loss without the protection of intellectual property and copyright laws?” Since we are still reading and creating with the use of his works centuries later, it would appear not. Would he want the use and adaptation of his works reduced for the idea of gaining permission from a publishing agent or company first? Well, that answer can’t be known but it is hard to imagine he would have wanted his works contained and restricted.

Another example for modern times is the cancellation of the series Firefly. The original network, FOX, aired it poorly and it wasn’t received very well as a result. However, the show’s creator, artists, actors and writers didn’t give up, and soon after, the movie Serenity was released. The ‘franchise’ continues to grow, more than half a decade later on the steam of fans, unwilling to let such a good idea die with FOX’s refusal to release or sell rights to it. How is FOX protecting those that put in their blood, sweat, and tears by doing this? They aren’t. Plain and simple.

So what are some other options that authors can take if they so choose? Here are some ideas:

1. **Creative Commons** - CC is a comfortable jumping board for most people wanting to get away from the stifling world of copyright laws. The author/artist can better control how their work is shared and it is legit in the eyes of the law. See more at <http://creativecommons.org/>
2. **Copyleft** - Copyleft is a broad term used to describe anything but copyright.
3. **Copyheart** - Copyheart is one way you can label your work to show love and appreciation. See more at <http://copyheart.org/>
4. **Anti-copyright** - Anti-copyright fully embraces the notion that ideas themselves cannot be owned. It is NOT permission to plagiarize (to understand the difference, please see <http://blog.ninapaley.com/2011/06/27/credit-is-due/>). For more information and a complete definition of Anti-copyright, see <http://anticopyright.com/>

Why would any of this matter in a society where established publishing firms go to great lengths to get well written, edited and printed material on the market? Why wouldn’t it? Ours is a country that believes so much in the importance of free speech that it was the very first amendment to the Constitution of the United States.

States, whose ratification was delayed because it didn't specifically protect liberties. The very first amendment of the Bill of Rights states:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

The Bill of Rights strived to accomplish naming the liberties that were natural born rights to be protected (as opposed to “rights” only granted by man or paper) and one of the most important was the freedom of speech and press. “Press” refers to the printing press and not only newspapers and journalists. The U.S. Supreme Court’s ruling in *Lovell v. City of Griffin, GA*, 303 U.S. 444 (1938) agreed that it includes anything published. So, the appearance of a lot of new authors that are self-publishing is a huge boost to the idea of “Freedom of the Press” and very much a boost to the American lifestyle and culture.

In conclusion, authors have a lot more resources available to help them self-publish, even more than is initially seen on the surface. Be open to new avenues and ideas, take a deep breath, and embrace the leap of faith that it can be done!

BREAKING THE TWO PARTY TWO-STEP

ANDREW “K'TETCH” NORTON

The first Tuesday in November is election day. It is a day when people all over the country go out, and exercise democracy. In some countries, the very act of voting is seen as a triumph, something worthwhile to be attained. The US sees it as so important, that several countries have been invaded in the past century for the purposes of restoring democracy, yet the US does not have a functioning democracy itself, instead there is a pseudo-democracy, where only two parties are allowed to participate, much like in the most restrictive countries; China, Algeria, North Korea.

There are several myths about elections and voting, and I'm going to try and dispel them, or at least explain why what seems like such a good theory, doesn't work out in practice. I'm going to focus on US politics, but much of this holds true for other countries using a first-past-the-post (FPTP) system, such as the UK. In addition, I'll use the term “Major Parties” or “Major Party” to collectively describe the Republicans and Democrats. It's not an ideal choice of term, but it is one in common use in state laws across the country when talking about ballot access, t

refer to those parties.

“If you vote for a third party, you're wasting your vote.”

There is a never ending stream of partisan rhetoric when it comes to third parties. One of the most common claims is that voting for a 3rd party candidate is a 'wasted vote'. It has led to the rise of tactical voting in the US, where instead of voting for the person they want (if they are not one of the big two parties) we have people voting for the 'big 2' representative they dislike least. This was best exemplified in the 2004 US Presidential elections, when people who hated Bush voted for Kerry, and those that hated Kerry voted for Bush. What went completely unnoticed was the third choice in almost every state - that of the Libertarian Party and Michael Badnarik (he was not on the ballot in New Hampshire, or Oklahoma, or for that matter, the Green Party, who were on the ballot in about half the states).

This 'tactical voting' is the waste of a vote. Instead of voting for the person you wish to represent you, you are voting to try and deny someone else from doing so by supporting the opponent who is believed to be the greatest challenge. This then leads to the two major parties producing candidates who are at odds with each other, to get this dichotomy, and play people into an 'us or them' situation. There is another cost. The elected representatives in Congress are universally distrusted, and often thought of as corrupt. Why? Well, they don't actually represent the views of their constituents. What they represent is the views of the political party of the candidate that was not as disliked as the other. The other result is the rise in negative campaign adverts. Why spend money saying “vote for me, I'm better,” when you can spend the money pointing out how bad your major opponent is, and get the tactical vote as a response. The additional bonus from this method is if you lose, you've got your adverts to say “I told you so,” and if you win you've got very few promises to be held accountable for. All this from tactical voting. What a sham!

“Third parties are a waste of time. They will never win.”

There is no reason why they are a waste of time. The main reason they won't win is not because people don't support them, but due to tactical voting (see above) people are too afraid to be on the losing side. In addition, there are other elements to supporting the party that matches your views most closely, even if it is a 3rd party. Aside from winning the election, there are other goals that can be achieved, such as federal funding if the party reached 5% in the previous election. This can be a substantial benefit to many candidates. Major parties are also scared of third parties. In 2004, when the Libertarian party sued the Commission for Presidential Debates (the organization that runs the presidential campaign debates), the Republican party, and the Democratic Party, over being unfairly excluded from the debates (they had a nationally available candidate, and the

debate was paid for using state funds, and held in a state venue (Arizona State University for the 3rd debate), the debate could have gone ahead if the two candidates had agreed to allow Badnarik to participate. Both refused. The Presidential Debates are a substantial piece of advertising, rather than actual debate when it excludes significant candidates. Ninety minutes of prime time television and radio is expensive, and when you add in the news coverage and analysis of it, it's a major chunk.

One estimate is that the debates work out to be worth at least \$40 million in advertising. That's a substantial sum, and would be more than the total campaign budgets of the minor parties, much less the independents. Of course, \$40 million is a drop in the bucket compared to the spending nationally on Major Party candidates, but the desire to control is one that tends to override any mere costs. And costs are something the 2010 election has in spades. In 2008, \$2.5 billion was spent. For 2010, a mid-term election (which is traditionally less costly than a presidential election year), it's estimated that between \$3 billion and \$4 billion was spent on campaign advertising, almost certainly focused on the two major parties. On the other side of the fence, minor party candidates are often asked why they even bother. Again, in 2004, at the Libertarian Party Conference, Michael Badnarik addressed this very issue, saying

“As a Libertarian candidate, I frequently face the 'wasted vote' syndrome. People tell me that I'm a good candidate. They believe in what I stand for, but they can't bring themselves to vote for me because they don't want to waste their vote. If you were in prison, and you had a 50% chance of lethal injection, a 45% chance of going to the electric chair, and only a 5% chance of escape, are you likely to vote for lethal injection because that is your most likely outcome? Your survival depends on voting for escape even if that's only a 5% chance.”

Escape is, of course, voting for what you believe in, rather than the death of voting against yourself, voting “tactically.” Again, it's down to tactical voting. The perception that 3rd parties won't win, because voting for them is a wasted vote. Because it's a wasted vote, people don't vote for them. Thus they don't win. This validates people's view that they were right not to vote for them. It's a self-fulfilling prophecy. It's one that must be broken, in order to bring some actual democracy to the government.

“Voting the party ticket”

A lot of times, people will vote a straight ticket. That means that people will vote for every Democrat, or every Republican on the ballot. The theory is that the party represents the voters point of view, and so voting a straight ticket is the best and easiest way to vote their view. It's not that simple though. If it were simply a measure of the party position, then why do we need candidates? Just assign

block vote to the party's national committee chairman. It also completely negates the need for primaries. ~~If the party affiliation is all that's needed, why is a public-funded primary needed?~~ All the candidates on the primary ballot represent the party, so they should all stand for the same thing.

We all know that candidates differ widely on what they represent, which is why the whole concept of a "straight ticket vote" is so horrific. That people vote for a candidate, for their representation, without looking at the candidates and what they stand for relying instead on a small letter placed next to their name, is insulting to the concepts of democracy, and insulting to the candidates. It trivializes them and means they're nothing more than a mouthpiece. Of course, if candidates wish to just be a mouthpiece for a national chairman, then they're not a good choice as a candidate anyway. The idea of a candidate is to represent their constituents in the government, with a party providing support and guidance and a basic direction. These days, candidates are representing the major parties to the constituents.

There is nothing wrong with voting for candidates of different parties. If the candidate's position matches your views, then you should vote for them irrespective of their party affiliation. The 1992 Eddie Murphy film *The Distinguished Gentleman* played on this premise, the "dumb voter" syndrome. Instead of a party though, he went for a name, but it's the same principle. Voters went in without knowledge (or care) and just looked for something vaguely familiar, be it a surname, or a party affiliation.

sigh

Taken altogether, it's a sad situation, producing terrible results. It's why we need electoral reform, in order to restore a government that focuses on policies, rather than attacking others because of party identification, and trying to prevent new parties entering and participating on an even keel - that would be too democratic and upset the status quo.

Before you vote, do your homework, check who your candidates are, and what they stand for, and above all else, please, **VOTE BASED ON THE CANDIDATE AND WHAT YOU STAND FOR**. This is your government you are electing, it's not *American Idol*, or some other pointless, inconsequential TV show. It's as real, and as serious as it gets. For all that people go on about illegal immigrants, those who were lucky enough to be born citizens, act as a complete disgrace when they abuse the privilege of citizenship.

The real solution would be to adopt proportional representation in some form. It's considered "too complex" for Americans to understand, yet countries like France and Mexico seem to have no problem with it.

And above all else, don't complain about the government you get, if you vote

tactically, dismissed candidates because of their party, chose not to vote, or just voted a straight ticket. It's your fault, and the fault of those that acted like you, and has been since this country was founded. Next time, use your brain instead - your country will thank you.

It's your vote, make it count!

FLUID DEMOCRACY

WILLIAM SIMS BAINBRIDGE

Worldwide, Internet-based social computing is creating entirely new political realities (Howard 2011). In Germany, there is much discussion of Liquid Democracy, innovative forms of representation far more flexible than those we have become accustomed to. The phrase "liquid democracy" belongs to the English language, not the German, and it is not uncommon for one language to borrow from another. Often, word meanings are shifted slightly in the process, and for example some Europeans abbreviate software as soft, because they use quite another word for the meaning of the English word soft. The automatic translation website FreeTranslation.com renders Liquid Democracy into German as Flüssig Demokratie, and Flüssige Demokratie into English as Fluid Democracy. Liquid metaphors are quite common in electronics and computer talk, such as streaming video, electric current, wave. I prefer the term fluid democracy because it makes clear that the fluctuating property of liquids is most salient for the discussion.

This essay is a reconnaissance of the technical means available for revolutionizing the political process, using advanced information technology to develop a new alternative to both representative democracy and direct democracy. In the form of representative democracy prevalent in post-industrial societies today, all too often the elected representatives become captives of wealthy interest groups rather than really representing the people, or become frozen into outdated ideological positions. Direct democracy presents the danger that the general public will be deceived about the nature of societal problems, whether by distortions broadcast through mass media or by their own wishful thinking, and make foolish decisions, even impulsively changing course so quickly that no progress is made in any direction. Problems that afflict both extreme forms of the system include how to protect the right of minorities, how to incorporate professional expertise in political decision making, and how to find responses to new situations that have yet to be defined for popular opinion.

The point is not to jettison political traditions merely out of fascination with

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