



The Utah Liberator

The Monthly Voice of the Libertarian Party of Utah for the Enlightenment of Our Members & Friends

Vol. 1, No. 5

December 1995

Constitution Restoration Resolution Adopted!

They came together like the original American colonists. Concerned with what they understood to be a great injustice being perpetrated on the American people, they gathered at night at the home of one of their leaders to discuss their alternatives.

The Fourth Revolution had already been declared. It's purpose simple and direct: Restore Constitutional Government through a Libertarian victory at the polls.

But what most Americans don't realize is that Constitutional government is already de facto and de jure just a thing of the past. Because on March 4, 1933, Congress granted President Roosevelt extraordinary powers. Powers that superseded and suspended the Constitution. Powers that King George III himself, sane or insane, would never have dare assume for his Royal Self.

And Congress, ruled by Washington insider Democrats and Republicans, in its wisdom has never seen fit to take these powers back for the people!

Up From Texas

The first such resolution was passed by the Texas Republican Party meeting in convention in November 1994. When LPUtah state chair Jim Lorenz became aware of their resolution, he began researching the facts.

His search took him from the law library to the state capitol. Sure enough, the "War Powers Act" that let FDR combat the Depression through massive

The Libertarian Party of Utah, Executive Committee, by unanimous vote on November 30, 1995, adopted this Resolution 95-1:

Whereas, the Libertarian Party of Utah recognizes that acts of the Congressional body and the Office of the President of the United States of America created an emergency condition, and that on and after March 6, 1933 and March 9, 1933 the same said Public Offices effectively impaired and suspended the Constitution of the United States of America under pretense of these same created emergency conditions, and that the impairments and disabilities yet exist and are in full force and effect throughout the Nation and the several States of the Union as of the date of this resolution, and

Whereas, there has occurred continuous breach of trust, duty and obligation imposed under color of authority of the Constitution of the United States America, resulting in a continued abridgment of the Rights, Privileges, Immunities, and Liberties of Citizens and others, all committed under pretense of a continuing national crisis and furtherance of emergency conditions; and

Whereas, United States Senate Report 93-549 (11/19/1973, excerpted) admits and professes:

"Since March 9, 1933, the United States has been in a state of declared national emergency. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency. . . . And in the United States, actions taken by the government in times of great crises have—from, at least the Civil War—in important ways shaped the present phenomenon of a permanent state of national emergency. . . . **This vast range of powers, taken together, confer enough authority to rule the country without reference to normal constitutional processes.** Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and in a plethora of particular ways, control the lives of the American people." [emphasis added]; and

Whereas, in Title 12 United States Code, §95(b) it is arbitrarily declared:

"The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subsection (b) of the Act of October 6, 1917; as amended [12 USCS sec. 95a], are hereby approved and confirmed, (Mar. 9, 1933, ch.1, Title 1, sec. I, 48 Stat. 1.)"; and

We, the Libertarian Party of Utah, therefore, recognize that every order issued by any President since March 4, 1933, was and is automatically approved and confirmed. These powers being conferred under purported authority of the Trading With The Enemy Act of October 6, 1917, are wrongfully used against the several States of the Union and the People; **To wit: Stoehr v. Wallace** 255 US 239 (1921):

"The Trading With the Enemy Act, originally and as amended, is strictly a war measure, and finds its sanction in the provision empowering Congress 'to declare war, grant letters of marque and reprisal, and make rules concerning capture on land and water.' Const. Art. I, §8, cl. 11 P. 241"; and

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Continues page 2

Resolution 95-1 — cont'd

Whereas, our forefathers recognizing these same conditions wrote to the British Parliament and King of Great Britain in *The Declaration of Rights of 1774*:

"Whereas, since the close of the last war, the British Parliament, claiming a power of right to bind the people of America, by statute, in all cases whatsoever, hath in some acts expressly imposed taxes on them, and in others, under various pretenses, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties but for the trial of causes merely arising within the body of the county."

"And whereas, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependent on the Crown alone for their salaries, and standing armies kept in times of peace." and

Whereas, Today under pretense of the emergency and reorganization the mischief has been recreated and reinstated within the federal enclave and the several States of the Union, and has once again left the people without any plain, speedy or adequate remedy, and wholly contrary to the true original intent and end of the Union and civil Government as ordained and established by the People; and

Whereas, In November 1994 the Republican State Governors unanimously adopted the Williamsburg Resolve. In it, they said:

"The challenges to the liberties of the people . . . comes from our own Federal government that has defied, and now ignores, virtually every constitutional limit fashioned by the framers to confine its reach and thus to guard the freedoms of the people" and that Federal action has exceeded the clear bounds of . . . the Constitution, and thus violated the rights guaranteed to the people"; and

Whereas, The Republican Party of Texas adopted Resolution #5 on June 17, 1995, which the Libertarian Party of Utah applauds and emulates, and which is our Party's model for this Resolution 95-1; and

Whereas, George Washington forewarned the Nation and the several States of the Union in his 1796 farewell address:

"If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed-The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at anytime yield."; and

Now, Therefore, Be It Resolved that the Libertarian Party of Utah, being duly apprised of the continuing emergency declared in effect since March 4, 1933, now continuing without any real emergency or Amendment, demands a Presidential proclamation terminating the sham emergency, thereby returning the Union of the several States to its intended peacetime status as a Constitutional Republic, under the Constitution for the United States, and that the Congress of the United States resume its lawful powers, no less and no more.

Attested:

Jim Lorenz *Scott K. Brown* *Gene Bauman*
Andrew Hill *Ray Williams* *Tom George* *James Dot*
Ken Hansen *Carol S. Williamson*

Resolution — cont'd

deficit spending, bank closures, and other drastic measures, was still in effect!

With the facts clearly defined, he carefully crafted the LPUtah version to include all the relevant cites. An early draft was printed in the November issue of The Utah Liberator.

So, when the state central committee met on November 30th, it took but a brief discussion of the self-explanatory Resolution 95-1 to convince the assembled patriots of the need to support this basic cause.

In the course of his research, Lorenz developed so much information about this issue, that he prepared a detailed, five-page Frequently Asked Questions documenting this hideous suspension of the Constitution. To get your copy call 534-8872 (outside Salt Lake County, call toll-free 1-800-280-7900.)

Join us in promoting the resolution to all Americans, and in saluting these brave revolutionaries whose names shall be forever enshrined on the Honor Roll of Liberty.

 **The Utah Liberator**

Published 10 times a year by the Libertarian Party of Utah.

Publisher
 Jim Lorenz
 Editor & Designer
 Jim Dexter

All submissions are welcome. Send neatly typewritten hard copy and/or disk (ASCII [text] format or Word 5.1) no later than the first of the month to:

The Utah Liberator
 P.O. Box 526025
 Salt Lake City, Utah
 84152-6025
 801/534-8872
 1-800-280-7900

Or, if you're on-line, submit them electronically to:

UtahLib@aol.com

Submissions may be subject to editing for fit, but will otherwise be printed as submitted . . . if we have room in the issue.

Now You Can Advertise in The Utah Liberator

The Utah Liberator, published ten times a year (no issues in July and August), is now mailed to 530+ LPUtah members and prospective members, reaching a prime market for your goods or services. While number of copies mailed varies from month to month, we print 600 issues, distributing the balance at gun shows, socials, and other LPUtah events and activities.

Rates: Nonmember rates are member rates plus the cost of a full membership (see below). Any nonmember advertising more than one time should join.

Frequency Discounts: If you advertise in five issues in a year, we will rebate 5% of the total paid for all ads. If you advertise in all ten issues, we will rebate 10%.

Closing & Submission: Space must be reserved no later than the 30th of the month prior to the issue in which you want your ad to appear. (Call 801/963-1028.) Camera-ready art and payment must be received at 5718 South Dynasty Oaks, Bension, Utah 84118-2675 NLT the 3rd of the publication month.

Terms: Ads must be paid for prior to publication. Make check to: The Libertarian Party of Utah.

Ad Preparation/Production: We can accept laser or imagesetter

output, or Mac-prepared files in encapsulated PostScript format (.eps) or in PageMaker, QuarkX-Press, FreeHand, Illustrator, or Photoshop formats. Please call 801/963-1028 to make sure we have the fonts used in your ad.

No Ad? If you do not have an ad or logo, The Dexter Touch, a Libertarian-owned and operated, cost-effective, results-getting marketing communications service with over 20 years' successful experience in advertising and sale promotion, will be glad to prepare one for you at reasonable and competitive rates. 10% of all fees collected by TDT for preparing ads will be donated to the LPUtah. For more information, call 801/963-1028.

Cautions, Warnings, Fine Print

Content: The publisher reserves the right to insert the word "Advertisement" above any ad that may be confused with editorial material. All ads are subject to approval, and we reserve the right to edit, refuse, cancel or reject any ads we feel inappropriate to this publication or which may tend to jeopardize our postal rates.

Taxes: If a tax is levied on advertising, the advertiser agrees to have this tax added to his invoice. If the LPUtah becomes liable to any third party, including a government entity, due to the advertisement, the advertiser who placed that ad agrees to indemnify the LPUtah for all associated damages, fees and costs.

The Utah Liberator Display Advertising Rates

Effective November 15, 1995

Half-Page - \$75 (Nonmbr \$100)
Vert: 3 3/8" Wide by 8 7/8" Tall
Horiz: 7" Wide by 4 3/8" Tall

Quarter-Page - \$50 (Nonmbr \$75)
Vert: 1 5/8" Wide by 8 3/8" Tall
Horiz: 3 3/8" Wide by 4 3/8" Tall

Eighth-Page - \$35 (Nonmbr \$60)
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Business Card - \$25 (Nonmbr \$50)
(Reduced to fit 2 column-widths)
(Approx.: 3 3/8" Wide by 1 7/8" Tall)

Issue Sponsor - Third-Page: \$150 (Members only)

This special position is the "back cover" of an issue as it is folded for mailing. Size is 7" Wide by 3 1/2" Tall. This cost for this special position just about covers all the costs of printing and mailing an issue. It is only available to LPUtah members in good standing.

'Tis the Season To Be Generous!

by Jim Elwell, State Treasurer

We Need Your Money! Surprise, surprise! Like most of us, your mailbox is probably filled with catalogs and numerous solicitations for money from nonprofit groups. Christmas is the traditional season for begging. Now it's our turn to ask you for more of your money.

What has the LPUtah done to deserve your support? Have you noticed that our newsletter (hint: it's *The Utah Liberator* you're holding in your hands) is now coming to you monthly? Have you noticed it is now a full eight pages of news and information of interest to Libertarians? Did you know that every issue encourages three to six prospects to sign up? Did you also know we have had a booth at all SLC gun shows for the past three years?

Of course, more frequent and longer newsletters cost more money. The booths at the gun shows are not free. These, plus our other activities, are using up our rather meager resources.

Like most nonprofit institutions, the LPUtah depends on our members for all of our financial support. When you send us a \$25 check for a year's membership, we get to keep \$15, and \$10 goes to the National Libertarian Party in Washington, DC. When you send them your \$25, they keep all of it. We automatically make you a member of the state party, and send you our newsletter and invite you to all our activities, but your expenses are paid from other members' dues.

Three Ways To Help

There are three things that you can do to help keep the LPUtah a financially strong and politically vigorous organization:

1. Always renew your membership through the state party. When you receive your re-

newal bill from Washington, clip the membership form from *The Liberator* and send it and your check (made to Libertarian Party of Utah) to the LPUtah. Discard the national party bill. Your national and state memberships will continue uninterrupted.

2. When you renew, add a few extra dollars to help with our activities. For example, if you include an extra \$10, we can send that to the National LP and keep \$25 for our work in our state.
3. Join our monthly LPUtah Pledge Club. Give us a credit card number, and the amount you're willing to contribute (\$10, \$25, etc.). Each month we will charge that amount to your credit card until you tell us to stop. For a relatively painless \$10 a month, you donate \$120 a year to the LPUtah.

Pledge Club Benefits

All Pledge Club members enjoy automatic renewal of their membership each year, plus two free tickets to the annual Karl Bray Memorial Awards Banquet held after the state convention (in May or June).

To join the Pledge Club, just fill out the membership form [found on page 4 of this issue] with your name, address and credit card information (Visa or Mastercard), and write at the bottom "\$10 monthly pledge" or "\$25 monthly pledge" or "\$1,000 monthly pledge" (just hoping!). We will then charge your card each month until you tell us to stop. It's that simple, and you'll get automatic renewal, and free banquet tickets.

Please consider this easy way to help the LP Utah, and perhaps eliminate at least one of those pesky solicitations from cluttering up your mail box, leaving more room for catalogs!



Notes From The Chair

Jim Lorenz

It's been a short six months as your Chair. As we face the turn of the year, it's is a good time to invoke the Roman God of War & New Beginnings, Janus. Janus is pictured as two faced, looking back and towards the future in each instant. (The first month is not coincidentally January.)

Our next battle is the general election of 1996. The war is the Fourth American Revolution to Restore the Constitution to the Libertarian principles on which it was founded. We didn't pick this fight, it was "declared" on all Americans by Franklin Delano Roosevelt and the 73d Congress, when law-abiding people were defined by statute as the "enemy" under a "war powers" construction so as to confiscate their honest gold money on March 9, 1933.

As Thomas Jefferson said, "The first duty of government is to be honest." Does anybody believe it tells the truth, the whole truth, and nothing but the truth, all of the time?? Any time???

The above "war power" is what the LPUtah Executive Committee and Central Committee resolved to terminate on November 30, 1995. I am proud of their courage and their resolution. This will also be on the floor at our next state convention.

It is this congressional war power, given under a sham emergency, that the present occupant

of the presidential seat of Thomas Jefferson is using to dispatch American troops to the thousand-year-old ethnic war of the Balkans.

WE NEED YOUR HELP, PLEASE

Now I have to be honest with our dues-paying members. I have spent your treasury down to the danger level in publishing *The Utah Liberator*. As we do not believe in nor advocate force or fraud, nor confiscation of private property by means direct or by ruse, I must ask you for money.

While it's true membership is up some 11% since July 2 (hooray!), but this rate of income does not offset our publishing costs, about 35¢ per mailed copy.

We're using a lighter stock to help save money. I do the bureaucratic dance with the P.O. to get the best possible postage rate.

If you prefer, we can cut the media list, as we have almost no response from that quarter and I agree there is little point in filling their round files at our expense. However your Executive Committee does not want to quit this attempt at media outreach, as it may be the only Libertarian information that Utah media get on a regular basis.

So you tell me. You can call and complain, make suggestions for improvements or, if you think our contributors are doing a good job, send money, please.

You can join, renew early, advertise, or just pledge a few bucks a month to keep in touch and educate our fellow Utahans. Right now, *The Utah Liberator* alone uses up about \$150.00 a month. More members means we must spend more. We will never quit publishing, but a postcard *Liberator* won't be as effective.

Nuff Said.

Jim Lorenz

P.S. Hope to see you at the Party party on the 21st!

You Are Invited To Attend the LPUtah Solstice Party!

Thursday, December 21, 1995, 6:30 PM
875 East Donner Way - Apt. 503, SLC
RSVP & Directions: 801/534-8872

Join the LPUtah Now!

"I'm sorry, Mr. Revere, I'm not a joiner." Where would we be with that kind of attitude? To lead the Fourth Revolution, we must grow. Not only do we need a larger headcount for greater political influence, we need the dues ("money is the mother's milk of politics") to help fund campaigns,

and, more importantly to pay the costs of publishing this newsletter, the new membership card, and other planned services and activities.

Please take this advantage of this opportunity to support America's best (and only) political hope. Even if you're not a "joiner."



Libertarian
Party of Utah

Membership Form

Yes, I Want To Be a Utah Libertarian

Please check one membership category, sign the Pledge, fill in your name and contact information, include payment, and mail.

- Introductory** — For new members only, a one-year Introductory membership entitles you to all the rights and privileges of Full membership. **Dues: \$15.**
- Utah** — Provides annual membership in the Libertarian Party of Utah. Entitles you to our monthly newsletter, *The Utah Liberator*, invitation to all our social events and political functions, and voting rights at our state party and county organization meetings/conventions. **Dues: \$20.**
- Full** — Provides annual membership in both the Utah and national Libertarian parties. In addition to all the rights and privileges of Utah membership, you'll also receive the national party's monthly newsletter. **Dues: \$25.**

The Libertarian Party Pledge

I hereby certify that I do not believe in nor advocate the initiation of force as a means of achieving political or social goals.

Signed: X _____ Date _____

Please type or print neatly. Thank you.

Name: _____

Address: _____

City/State/Zip: _____

Home Phone: (801) _____ E-Mail: _____

Work Phone: (801) _____ Fax: (801) _____

Payment: Check (payable to: Libertarian Party of Utah) Cash/Money order
 Visa Mastercard

Card Number: _____ Expires: _____

Name on card: _____

Signature: _____

Mail to: **Libertarian Party of Utah**
P.O. Box 526025
Salt Lake City, Utah 84152-6025

(If Not Office Use Only)
 Member Treasurer
 Database National

A Mormon Looks at Libertarianism - Part 3

by Ken Larsen, Ph.D.

The Platform of the LPUtah and The Book of Mormon

The state platform of the Libertarian Party of Utah was written by three Libertarians who also happen to have been Mormons (two returned missionaries and a former seminary instructor). This platform is very short, yet it says a great deal. If it sounds familiar, compare it with D&C 134 and the Declaration of Independence.

“First: We affirm that every individual is the exclusive owner of his or her own life and of all the products of that existence.

“Second: We affirm that every individual is responsible for his or her actions and the consequences and rewards thereof; that freedom does not exist without personal responsibility.

“Third: We affirm that no lawful right exists which allows one person to initiate force against another, and we defend the right of any person to resist oppression in any form.

“Fourth: We affirm that rights are neither collective nor additive. Two, three, four or any number of individuals have no more rights than one.

“We therefore affirm that the sole and only lawful purpose of government is to secure these rights to each and every citizen. The activity of lawful government is restricted to:

“1. *Law Enforcement*, to protect the individual right of life, liberty, property and the pursuit of happiness;

“2. *A Judicial System*, to provide an orderly process of disputes, to facilitate criminal punishment and restitution, and to secure equitable enforcement of voluntary contracts;

“3. *National Defense*, to preserve the natural rights of all citizens from all enemies seeking to abridge or violate those rights;

“4. *Legislative and executive functions*, constitutionally limited to the minimum necessary for the implementation of these lawful purposes.

“Our silence about any other particular government law, regulation, ordinance, directive, edict, control, regulatory agency, activity or machination should not be construed as to imply approval.”

Individual Rights

The concept of individual rights and responsibilities is the essence of Libertarianism. It is more important than the external form of government. A Constitutional Republic is not always necessary for the government to respect and defend these rights.

This Libertarian philosophy was understood and respected by the three Nephite kings Mosiah I, Benjamin, and Mosiah II. The problem with kings, however, is the lack of any *guarantee* that they will respect the rights of the people. Mosiah II understood this principle very well when he said:

“... if it were possible that you could have just men to be your kings, who would establish the laws of God, and judge this people according to his commandments, yea, if ye could have men for kings who would do even as my father Benjamin did for this people—I say unto you, if this could always be the case then it would be expedient that ye should always have kings to rule over you...”

Kings Are Dangerous

“Now I say unto you, that because all men are not just it is not expedient that ye should have a king or kings to rule over you. For behold, how much iniquity doth one wicked king cause to be committed, yea, and what great destruction!...”

“And behold, now I say unto you, ye cannot dethrone an iniquitous king save it be through much contention and the shedding of much blood.

“For behold, he has his friends in iniquity, and he keepeth his guards about him; and he tearth up the laws of righteousness before him; and he trampleth under his feet the commandments of God;

“And he enacteth laws, and sendeth them forth among his people, yea, laws after the manner of his own wickedness; and whosoever doth not obey his laws he causeth to be destroyed; and whosoever doth rebel against him he will send his armies against them to war, and if he can he will destroy them; and thus an unrighteous king doth pervert the ways of all righteousness.” (Mosiah 29: 13-23)

Constitutional Protection of Personal Rights

Our forefathers discovered this true principle when the king of England ceased to be their defender and became their oppressor. About ten years after independence, they met in the Constitutional Convention to devise a system of government that would not only provide for a common defense, but would guarantee to each individual personal freedom and the responsibility for his own actions. They realized the danger inherent in any system where the sovereign could make personal decisions for individuals and thereby deprive them of their responsibility before God.

Mosiah Is a Libertarian

King Mosiah gave this same problem a great deal of thought. Inasmuch as he was also a true prophet of God, his ideas merit our consideration. He devised a system of checks and balances not unlike our Constitution. He said this about personal freedom and individual responsibility:

“... I command you to do these things and that ye have no king; that if these people commit sins and iniquities they shall be answered upon their own heads.

“For behold I say unto you, the sins of many people have been caused by the iniquities of their kings; therefore their iniquities are answered upon the heads of their kings.

“And now I desire that this inequality should be no more in this land, especially among this my people; but I desire that this land be a land of liberty, and every man may enjoy his rights and privileges alike, so long as the Lord sees fit that we may live and inherit the land, . . .” (Mosiah 29: 30-32)

King Mosiah gave his people a political system with many parallels to our United States Constitution. Of course, we Latter-day Saints believe both systems were inspired by the same God!

Public Elections

The leaders were elected by the majority vote of the people: “Therefore, choose you by the voice of this people, judges . . . Now it is not common that the voice of the people desireth anything contrary to that which is right; but it is common for the lesser part of the people to desire that which is not right; therefore this shall ye observe and make it your law—to do your business by the voice of the people.” (Mosiah 29: 25-26)

Limited Powers

Elected officials were limited by a constitution, provided by King Mosiah, that they could not change without the consent of the people: “. . . let us appoint judges, to judge this people according to our law; and we will newly arrange the affairs of this people, for we will appoint wise men to be judges, that will judge this people according to the commandments of God . . .” *to be continued next month.*

Next Issue:

Constitutional Amendments, Separation of Powers, Etc.

Talk Radio in Utah:

Tom Leykis: (Knee-)Jerk Liberal

by Andrew L. Howard

Despite of the success of conservatives like Rush Limbaugh, Gordon Liddy, Tom Leykis [pronounced "like-ass"] proudly proclaims his show is "not hosted by a right-wing whacko or a convicted felon." No indeed! His show is hosted by an in-your-face, left-wing lunatic.

Mean spirited? What can you say about a person who credits Bill Clinton with our current upbeat economy? The *Tom Leykis Show* airs on KCNR (1320 AM), Monday through Friday, 7:00 p.m. to 10:00 p.m.

Leykis credits Clinton for the stock market's recent record highs, for allegedly reducing the budget deficit, and for decreases in violent crime. But Clinton's budget merely says, "I will overdraft my account by a less than I normally would." Have increased concealed carry permits helped reduce crime? No, according to Leykis, Clinton gets the credit. Even though Clinton admits he raised taxes too much!

Contrary to his praise for Clinton's economic policies, Leykis conceded that Wall Street panicked after Billary attempted to socialize health care. Most Libertarians agree that any reduction in crime or economic upswing occurred in spite of Clinton, not because of him. Note Wall Street's highs during the recent government shutdown.

Major Gossip

The Tom Leykis Show is the *People Magazine* of radio [with an obnoxious, nasal delivery.] "Who cares?" asked Leykis about Anthony Quinn's adultery-caused divorce and David Letterman's humor slump? Apparently Tom Leykis cares.

Leykis is wily, launching liberal positions from general statements leaving others to supply the specifics. When a liberal caller makes a point with which

he agrees, he often simply, repeatedly and annoyingly replies "cool." Direct challenges to his political viewpoints can be trying.

Leykis does not avoid engaging or ridiculing critical callers. If I heard correctly, instead of shredding those he no longer wishes to debate (as does Oliver North), he nukes them. No P.C. there.

Foolishly Inconsistent

Leykis holds some Libertarian positions. He claims not to discriminate upon grounds of sexual preference. Suicide is an individual's choice. And, he detests racial categorizing. He conspicuously framed his opposition to the latter on the New England custom of asking, "What are you?" not on the Clinton administration's continued emphasis on minority status.

Leykis is firmly pro-choice. He saw legislation banning partial-birth abortions as a first step at the whittling away an individual's rights, and complained about the gruesome descriptions of the procedure. (Where are you, Tom, as Clinton whittles away our 2nd Amendment rights?)

Though critical of Disney's *Powder* because of its pedophile producer, Leykis opposes censorship. He called for individuals to vote with their dollars! (Unfortunately, as an unabashed liberal, he's not opposed to voting with your dollars too!)

About himself, Leykis says that you "can't predict his opinions." He's politically inconsistent, often conveniently so. After the 1994 elections, it's "back to business as usual." In this, aside from the House's first 100 days, he may be correct. And, though he said, "this guy was never in the running in the first place," Leykis seemed ecstatic when Gen. Colin Powell removed himself as a presidential contender.

Leykis also hopes Perot will enter the race to further clinch Clinton's "inevitable reelection." Unhappily, he may be correct. But, I'm confident many more sleepless nights are ahead for Clinton. A lot can happen in 12 months, and Whitewater, Travelgate, and Fostergate keep resurfacing.

Not Libertarian

I rate Leykis as having an Economic Self-Governor score of zero and a Personal-Governor score of 90. Perhaps feeling the squeeze by conservative talk shows and taking a note from our "Each One/Reach One" program, Leykis has called for each of his fans to get ten more to tune into his show. Are we willing to do the same for Libertarian Lowell Ponte?! [Better yet, for the Party?] But, if you enjoy tripe Hollywood news and socialist propaganda, tune in the *Tom Leykis Show*.

To reach Leykis on the air, call: 1-800-5800-TOM (-580-0866).

Sp4 New Needs Your Help!

by Andrew L. Howard

General Douglas A. MacArthur warned us against those who think there is a greater destiny for America under "a more general flag" (e.g., the UN). Apparently Bill Clinton wasn't listening. [But he certainly heeded MacArthur's advice about "avoiding a land war in Asia."]

Specialist Fourth-Class Michael New, US Army, has refused to wear UN insignia if posted to Bosnia under United Nations' auspices, and the newly politically-sensitive Army has moved to court-martial him for refusing to obey a direct order.

For his justifiable refusal, Sp4 New is a Libertarian hero, and deserves and needs our support. Not one officer between him and the military-hating [except when he can use it to divert attention from his domestic disasters] Commander-in-Chief has come to his aid. But you can.

Write to him directly at: Sp4 Michael New, 73-3242 HHC, 1/15th Infantry 3 ID CMR 464, Box 1183, APO AE 09225

A fire-in-the-belly retired Marine lawyer, Col. Ronald D. Ray, has agreed to fight New's case all the way. His address is: 1012 South Fourth Street, Louisville, KY 40203. Col. Ray has also set up a legal defense fund for Sp4 New. Send your contributions to: Michael New Legal Defense Fund, PO Box 1136, Crestwood, KY 40014.

Congress is also acting. Some bills have been introduced to keep UN insignia off US uniforms and to keep American soldiers from serving under foreign command. Find out more about them under Michael Reagan's website (www.reagan.com) look under "Congressional Topics."

Top Ten Reasons

To Nominate Dr. Ken Larsen for Governor at the 1996 State Convention

#10: Ken Larsen is not putting one million dollars of illegal money into his campaign!

Paid by Ken Larsen for Governor Committee

LEGAL BRIEFS

by Kaylin Robinson

The Light On Searches

Last month we promised to discuss searches. Since there are so many variations on the subject, it will require more than one article. The editor only allows me 500 words, and law is very verbose. Before we get into specifics, it is important that you understand the history involved in the subject, which lead the founding fathers to attempt to "bind the government{'s}" power to invade the life of the citizen.

A British subject was entitled to protection from unreasonable searches. It was said that "a man's house is his castle." In other words, inviolate.

However, the American colonists were often deprived of their rights by the British government. One such abuse of power was the issuance of "Writs of Assistance."

A Writ of Assistance allowed British soldiers to enter a colonist's home and search it. If, during the search, any "contraband" (seditious writings, guns, extra goods for which taxes had not been paid—"contraband") the property owner was arrested.

This was one of the abuses mentioned in the *Declaration of Independence*. And remembering this abuse the writers of the Constitution wrote Amendments IV and V:

IV: *The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but on probable cause, supported by Oath and affirmation, and particularly describing the place to be searched and the persons or things to be seized.*

V: *No person shall be . . . deprived of life, liberty, or property, without due process of law; . . ."*

Amendments IV & V are "twin sisters" in liberty.

However clear these amendments, there have been, through the years, court-made changes in the interpretation of the rights guaranteed by these amendments.

For example, the Courts have ruled that a different standard applies to an automobile search than to a search of a home. The reasoning behind this is the mobility of the vehicle and the possibility for destruction of evidence.

However, it should be remembered that, as we discussed last month, one should never give an officer evidence freely. That being the case, one should never, ever grant permission to search any location. If you give permission and contraband is found, you have no recourse in the legal matter which will follow.

Since it is impossible to lay out this issue in its entirety (in 500 words), I will devote the next four articles to it. Next month we'll cover body searches, then we'll speak to vehicle searches. Residential searches will require two more articles.

So my advice to you this month is to keep your membership dues paid so that you will be able to get all of my articles. (And, pretty please, pay my dues while you're at it. Thank you.)

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Harry Browne Book & Tape Available

Harry Browne, the leading contender for the Libertarian presidential nomination, appeared on the *Tom Barberi Show* on KALL (910 AM) on November 30th. During their conversation, The Utah Voice of Reason himself admitted that he "subscribed to the Libertarian philosophy" [but, based on our listening experience, he's not a consistent libertarian].

Some of the Libertarian points Browne made during his Barberi appearance include:

"Government schools don't have the money and time to teach your children how to read well yet they always find the resources to teach their favorite social theories . . . no matter how distressing they are to parents."

"The government can't deliver the mail on time, but wants to take your life in its hands by controlling your health care."

"The courts that once defended your privacy and liberties now ratify any intrusion that can be shown to be in the government's interest."

In addition to spreading Libertarian ideals, Browne promoted his newest book, *Why Government Doesn't Work*, which offers his ideas for reforming the federal government. Highlights, which will probably become part of the national Libertarian platform, include:

- Sell 90% of federal government assets, including dams, pipelines, vehicles, oil rights, mineral rights, water rights, business enterprises, buildings (feds own 441,000) and land (more than 649 million acres). Browne estimates government assets could be worth \$12 trillion.
- Use a substantial chunk of proceeds to buy needy people an annuity, so Social Security can be shut down.

- Use most of the balance to wipe out the national debt.
- Cut the federal budget in half.
- Adopt a 10% flat income tax or a 5% national sales tax, and abolish other federal taxes.
- Pardon everyone convicted solely of federal tax evasion charges or solely of federal gun control charges.
- End federal affirmative action—quotas, set-asides, preferential treatments and other discriminatory practices.
- Phase out federal welfare.
- End drug prohibition.
- Repeal federal laws against victimless crimes.
- End all federal asset forfeiture cases and restore confiscated property to rightful owners.
- Remove US military forces from foreign soil and United Nations' operations.
- End federal regulation of individuals and businesses.
- The President should veto any bill he/she doesn't have time to read, or for which there is no Constitutional authority.

The first 400 books sold will feature Harry Browne's autograph. Listed at \$19.95, the 234-page volume can be ordered from Laissez Faire Books for only \$15.95 + \$3.25 p/h (CA residents add sales tax). Call toll-free: 1-800-326-0996, or fax 1-415-541-0597 or write: Laissez Faire Books, Dept. L50, 938 Howard St., #202, San Francisco, CA, 94103. Laissez Faire offers a 30-day, money-back guarantee.

Tape, Too

On December 1, Harry Browne appeared on the Art Bell show, heard locally at midnight on KCNR (1320 AM). The full three-hour Browne-Bell interview is available on audiotape for \$20.50. Call 1-800-917-4278 and have your credit card handy.



YES! I want to help the Libertarian Party of Utah grow. Here's the name of one person I know who may be interested in joining. Please send him or her an LPUtah info kit in my name. *(Please type or print neatly.)*

Name: _____

Address: _____

City/State/Zip: _____

His/her Concerns: Gun Control Healthcare Third Party Drug Laws
 High Taxes Safe Neighborhood Waco/Ruby Ridge Government in general Other: _____

Your Name: _____

I'm enclosing \$1 to help pay for the cost of creating and mailing the info kit.
 (Make check payable to: **Libertarian Party of Utah**)

Want to recommend more people? Copy this form or attach a second sheet with their name(s) and address(es). Thank you for your support.

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Libertarian Party of Utah
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 Salt Lake City, UT 84152-6025



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 December 21st
 Details on
 page 4.**

