

# ARIZONA LIBERTARIAN

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~ Pressing Freedom ~

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## Libertarians won on Nov. 2, as well

By VIN SUPRYNOWICZ

Bill Clinton and the tax-and-spend crowd lost on all fronts Nov. 2, as has been widely noted. Rudolph Giuliani in New York city may be a conservative in name only, but the gubernatorial results in New Jersey and Virginia left liberal commentators and pollsters choking on their premature victory toasts. Garden State voters, in particular, seemed to find nothing ridiculous about Christine Todd Whitman's pledge to reduce state spending and income tax rates by 30 percent over three years, a campaign promise which had left commentators like Robert Reno of New York's *Newsday* shrieking with mirth.

On the other hand, the obverse claim -- that November's balloting represented a huge victory for the Republican Party -- may be overstated.

The Republican Party -- leaving aside its inexplicable five-year willingness to line up behind that marionette on amphetamines, George Bush -- has increasingly adopted in recent years the bizarre strategy of hectoring the American people about their moral degradation, while voting after brief shows of petulance for the very Democratic welfare programs which inevitably supplant family, church, and community to reduce America's urban populations to that very state of dependence and degradation.

The GOP candidate most closely identified with this position, Virginia lieutenant governor candidate Michael Farris, lost in a willful example of ticket-splitting.

What does this mean? It means that

*Completely unacknowledged by the national press, Libertarian candidates won more than a dozen major state and local races in November*

it was not intolerant and statist "Republicanism" of the Robertson-Buchanan-Dole variety that voters were signaling a desire for, but a return to the kind of less-intrusive, less-expensive government which may have been proposed in desperation by Ms. Whitman, but which is still best represented by the Libertarian Party.

Completely unacknowledged by the national press, Libertarian candidates won more than a dozen major state and local races in November, with the most notable victory going to Alabama state Libertarian chairman Dr. Jimmy Blake over a primary field of five, concluding in a 56 percent runoff landslide over a liberal Democrat, for an open city council seat in the city of Birmingham, Alabama.

"It's a victory for limited government and tolerance," Blake said the Monday after his victory, "for the idea that government should be for and by the people; that the machine politics that've run this country for so long need to come to an end.

"The first priority we stressed in the campaign is the need for city government to make our streets and schools and neighborhoods safe. The second thing was what I call the participatory government issues -- reform and referendum rights, voting on taxes and term limits, which are critically important if the citizens are going to take back their country. We talked about the privatization of public housing and how it's a poverty trap for the people who live there."

Blake ran an old-fashioned nuts-and-bolts campaign, stressing endorsements by neighborhood leaders, Presbyterian deacons, firefighters, and the Jewish and Lebanese communities.

"I've had a fairly high profile fighting a tax proposal and running for mayor two years ago," Blake explains. "I've been on public radio down here debating drug decriminalization many times, plus I got the decorators show house at my home two months ago -- it's a charity for the symphony -- so my name recognition was pretty high.

"We're going to be pushing for enterprise zones, tax breaks. Birmingham is not economically competitive with the surrounding communities because of our non-user-friendly regulatory climate,

(Continued on page 6)



Independent political activist Ernest Hancock sets up a booth at the State Fair. Hancock joined with the Arizona Libertarian Party in petitioning and voter registration at the fair, October 14-31. (Another photo on page 17)

## Is True Freedom Possible?

By RICK TOMPKINS

Have you heard about the Atlantis Project? They've been running full page and two-page ads nationally in publications such as *Reason Magazine*.

Believe it or not, they want to build a new country, from scratch! While it may sound like a pipe-dream to some, a lot of people are taking it seriously enough to have funded substantial research and feasibility studies.

A likely location has been selected, 50 miles off the coast of Panama, in the Caribbean Sea. It's out of the hurricane belt, and still in the trade routes.

The project has hired the same Swedish architect who, some years ago, built a major 7 story hotel that floats (it is still in operation).

They have written a Constitution and a book of laws, based largely on the original U.S. Constitution and Bill of Rights, but spelling out in much greater detail, very clearly, all the things that the government of this new country, Oceania by name, may not ever do under any circumstances (like tax the people to death). It is very much a libertarian oriented plan, along the lines of what Thomas Jefferson, et.al. had in mind over 200 years ago, but extraordinary care has been taken to plug the holes that our runaway federal and state governments have found in our Constitution.

The technology exists to do this. A number of people are very interested in it. The group is proceeding with engineering



and architectural plans, and working on financing arrangements. I don't know whether this idea will ever become reality, but if it does you can bet I'll be anxious to be one of the early citizens of such a bright new hope.

The possibility of living among people who truly value liberty, and in an environment where no meddling bureaucrats can have any claim on my property, would be too enticing for me to resist. Kathy and I have discussed it, and we both are willing to scrub toilets, swab decks or whatever it might take to live in such a society. Of course, there would be such unlimited opportunity there that we would not need to resort to menial tasks -- but still, we would, if necessary to get started.

The Atlantis Project has scheduled a national convention in Las Vegas for Feb. 11-13, where the architectural model will be unveiled.

For more information, write or phone: The Atlantis Project, 4132 South Rainbow Blvd. #388, Las Vegas, NV 89103, (702) 897-8320. Email: oceania@world.std.com

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# \$85 million surplus really \$58 million debt

By ERNEST HANCOCK

Republican campaigns of 1994 are certain to include claims that they are responsible for Arizona's having a "balanced budget and surplus." The reality is that our state government's \$85 million surplus is a \$58 million debt.

Drafters of our state constitution had intended that the people of Arizona be protected from irresponsible elected officials who would choose to mortgage our future by buying votes with our tax dollars.

"Article IX, Section 5. Power of state to contract debts; purposes; limit; restrictions."

Section 5: "...the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more laws, or at different periods of time, shall never exceed the sum of three hundred and fifty thousand dollars...."

Article IX, Section 5 is clear, simple and direct. However, when read by many appointed and elected officials it either means nothing or is ignored. Arizonans should ask themselves important questions, such as: Are elected officials obligated to follow the Arizona Constitution? Does present-day economics require that we run deficits and incur debt? Were the drafters of our constitution naive? Or is it that the \$350,000 limit of accumulated debt is just too low a figure? And if our state needs a larger debt limit, what should the figure be? And of course we must ask the question, "Should Arizona have

a debt at all?"

On March 16, 1993, Gov. Symington signed the Appropriations Bill, House Bill 2001. This bill defined and provided for the funding of the State of Arizona for

a very simple reason: After subtracting the \$85 million from the \$143 million, Arizona is still left with a \$58 million debt.

With \$85 million unappropriated tax dollars on hand, it is easy to understand why every special interest in the state would do its best to get as much of this pie as possible.

On July 1, action was taken to avert a feeding frenzy led by unlimited special interests. A Special Action was filed with the Arizona Supreme Court.

This case questioned the constitutionality of the \$143 million "rollover" and provided an opportunity to file an "Interlocutory Stay" that would not allow the \$85 million to be spent on anything but the debt. The court refused to grant the stay and on Sept. 21, decided not to accept jurisdiction and dismissed the case. The campaigns of the September and November election of 1994 will provide an opportunity for candidates and voters to define what is proper management of our tax dollars.

We must also keep in mind that with Arizona still in debt \$58 million, it is difficult to see how Arizona will comply with court orders to pay government retirees monies due them. But I'm sure that the party of less government, spending cuts, lower taxes and conservative fiscal responsibility that is in control of the Arizona Senate, House and administration will find a constitutional solution - not.

*Three and a half months before the FY 93-94 started, our state government made sure that on July 1, 1994, the FY 94-95 fiscal year will start off over \$143 million short, of which more than \$696,000 was appropriated for the cost of borrowing the millions of dollars.*

the fiscal year 1993-1994 (please note that this is an appropriation package for the 1993-1994 fiscal year). On page 87 and 88, Section 99, there is an appropriation of \$143,196,400 from the fiscal year 1994-1995. Three and a half months before the FY 93-94 started, our state government made sure that on July 1, 1994, the FY 94-95 fiscal year will start off over \$143 million short, of which more than \$696,000 was appropriated for the cost of borrowing the millions of dollars.

Weeks before the end of FY 92-93, it was announced by the Joint Legislative Budget Committee that the state could expect to see a budget surplus of more than \$65 million. This figure is now estimated at over \$85 million. The Governor's Office, as well as the Republican Party, hopes to make use of this news to aid in the elections of 1994. Hopefully, it will be made clear to the people of Arizona that these claims are suspect for

# Record vote total reached in Tucson race

By HERB JOHNSON

Focusing on the November 2 election in Tucson, Ward 6, Pima Libertarians pitched in to help Ken Smalley raise over \$24,000 from almost 400 contributors for his record campaign, including matching funds from the city of Tucson. Ken received 15.4% of the vote in a three-way partisan race, a Libertarian record in Tucson! He received 50% more votes than Libertarian Gay Lynn Goetzke in her 1991 mayoral race.

(In Tucson, city council candidates are nominated by ward, but elected city-wide. It's as if everyone in the United States got to vote for the Congressional representatives from Arizona.)

Ken, a local businessman (he and his wife Linda own Contents and Techline) and Libertarian candidate for County Treasurer in November, 1992, had received prior to October 6 some 215 \$10-and-over contributions from Tucson residents to qualify his campaign for matching funds. Ken was the first candidate to so qualify, from a party other than the two old ones. (Maybe Tucson will finally do away with the matching-funds program, now that they realize that Democrats are not the only ones who can qualify!)

The funds were used largely for TV and radio spots, starting in the third week of October. Incumbent Democrat McKasson had not planned to air TV ads, and had stopped raising funds back in August. Ken's ads put pressure on her campaign, which started airing TV and radio spots a lot like Ken's. McKasson was forced to respond to Libertarian Smalley - not to the Ward 6 Republican candidate.

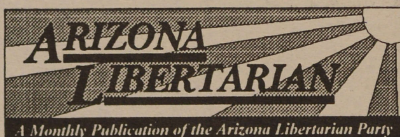
The Republican paper, the *Tucson Citizen*, endorsed McKasson. The paper stated that it liked Ken and

his ideas, but took exception to one important issue: Ken opposed government subsidies to business, and McKasson supported them. (Imagine how that makes rank-and-file Tucson Republicans feel about their party and their newspaper, knowing now that Libertarians are the only ones who support a free market.)

Ken continues to be active in the Pima County LP, to help Tucson Libertarians move ahead and build on his campaign's milestones.

**"Warriors and despots are generally bad economists and they instinctively carry their ideas of force and violence into the civil politics of their governments. Free trade is a principle which recognizes the paramount importance of individual action."**

**- Richard Cobden**



**Kathy L. Harrer**  
Editor

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**Vin Suprynovicz, Mike Dugger, Herb Johnson, Marilyn Titschinger, Robert Fisher, Douglas Newman, Doyle Vines, Ryeke Brown, and Rick Tompkins**

The *Arizona Libertarian* is published on the 15th of the month. Typewritten or DOS-Text submissions for publication are invited. Submit articles, letters, and advertisements by the fifth of the month to: The Editor, 4730 W. Northern Ave., #1063, Glendale, AZ 85301. Direct all inquiries about membership, activities, subscriptions, and libertarian literature to ALP, PO Box 501, Phoenix, AZ 85001 or (602) 248-8425. Basic subscription rate is \$15 per year.

### Arizona Libertarian Ad Rates

All ad sizes are based on a printed page size of 14 1/2 inches tall and 9 1/2 inches wide. The rates listed in this issue apply only to ads published in the tabloid-size issues. Camera ready copy due the 5th of the month preceding publication; if the advertiser wishes typesetting to be done by the *Arizona Libertarian*, copy must be received by the 1st and a 10% surcharge should be added to the cost of the ad. Payment is due at the time of placement.

1/8 Page	35.00	2/3 Page	145.00
1/4 Page	60.00	3/4 Page	170.00
1/3 Page	80.00	Full Page	200.00
1/2 Page	115.00		

**Personal & Classified Ads**

**20 words/\$2.00 minimum; 15 cents per word over the first 20**

## modest proposals

BY VIN SUPRYNOWICZ

## The Political Trials Begin

*Michigan couple goes down in federal 'domino' prosecution*

On April 16, 1990, a gray and overcast day in rural Davisburg, Michigan, Scott Scarborough came home from work, picked up his wife Karen, and drove the 33 miles down I-75 from their home to the post office at Royal Oak, a suburb of Detroit. This was the second year they planned to join the tax protesters there (the 15th had fallen on a Sunday that year). They picked up a friend, Peter Hendrickson, on the way. All were members of the Libertarian Party of Michigan.

Karen would later tell the grand jury she was feeling ill -- the beginnings of what turned out to be the rejection of a transplanted kidney -- and that she stayed in the car, lying on the back seat. She testified that Hendrickson remained in the car with her while Scott got out to visit with the eight or 10 picketers. Scott says he heard sirens almost the moment he emerged from the car.

At about the same time, an eyewitness saw a man drop a manila envelope into one of the tax receptacle bins, containing a phosphorous smoke device.

The eyewitness in a nearby car described a man who did not match Peter Hendrickson. The eyewitness was unable to identify Hendrickson in a photo lineup, or in a "live" lineup. No one bothered to put Scott Scarborough in a lineup. "She described someone clean-shaven, and Scott's always had a mustache, they were talking about someone with different colored hair, about five inches shorter," says Ralph Musilli, Scott Scarborough's attorney.

The smoke device ignited. Postal worker Thomas Berlucchi received slight burns on his hands and legs while removing the smoking device from the bin, burns which later healed without causing any scarring or permanent disability.

That was the extent of the damage caused in the great Michigan post office bombing of 1990. But it was only the beginning of the nightmare of Scott and Karen Scarborough.

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"These people are clean as pins," says Musilli of the Scarboroughs, never before accused of a crime, married seven years with a 20-year-old daughter (Scott's

stepdaughter) in cosmetology school. "They go to work every day and pay their taxes and make their mortgage payments and visit with their family. The most radical thing they ever did was write an article for the Libertarian newspaper.

"There were all kinds of people protesting at the post office that day," says Musilli, "but they grabbed right at the Libertarians, those are the only ones they were interested in."

Why?

After all, the Libertarians, who call for the end of the income tax and the War on Drugs, routinely quote "radicals" like James Madison and Tom Jefferson, and are the only national party that requires every new national member to pledge: "I do not believe in the use of force to achieve political and social goals."

Yet a federal prosecutor would later warn the Scarborough's jury: "You're going to hear some Libertarian views, some of which you may find strange or even offensive."

Musilli has a theory:

"We have gone from a Constitutional Republic in this country to a democracy, probably in the 1930s. Then we have gone in my lifetime from a democracy to what I would call a bureaucratic aristocracy, and the next step will be a dictatorship. The Libertarians have the right idea, but politics is the art of the do-able. They see this train barreling along at 60 miles an hour, and they jump in front of it, and they get flattened. You can't get enough bodies in front of it to slow it down."

In the course of checking out the Libertarians who had been at the scene, federal prosecutors stumbled on Peter Hendrickson and Doreen Wright. Although Doreen had been out of the country at the time of the tax protest, she worked as a high school science teacher, where she had access to red phosphorus, the substance used in the device. And Hendrickson and Wright had failed to file federal income tax returns for the two previous years.

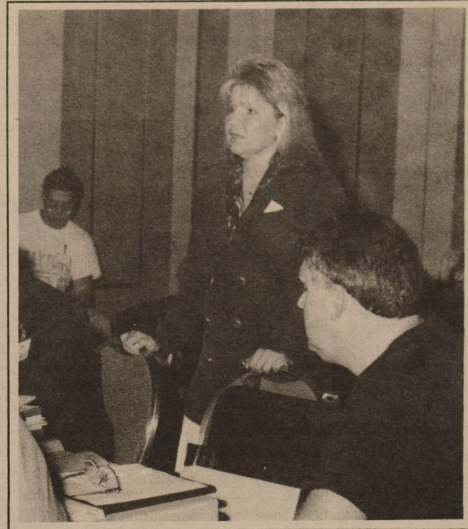
The Scarboroughs were granted immunity to tes-

tify before the grand jury, where prosecutors hoped they would tell of hearing Hendrickson plan the crime. Instead, Karen told of the government's prime suspect sitting in the car with her the whole time the incident was in progress.

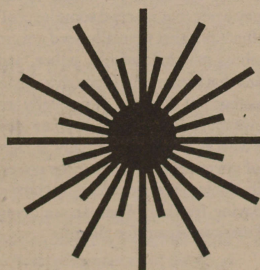
Doreen Wright was breast-feeding her seven-month-old baby, Katie, at 7 a.m. when the 15 armed agents broke in to arrest them, according to Karen Scarborough. The officers pulled the infant from her breast and turned it over to a social worker as they hauled the couple away.

"So Peter got the message that he could be separated from his family at any time," Karen Scarborough recalls.

(Continued on page 6)



*Karen Scarborough tells an audience at the 1993 Libertarian Party National Convention in Salt Lake City of her prosecution/persecution by the U.S. government.*



## LASER SURGERY FAMILY PRACTICE

Timothy Urell, D.O.  
Steve Linde PA-C

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Yuma, AZ 85364

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# IndiVIEWduality

A PERSONAL PERSPECTIVE

By RICK TOMPKINS  
ALP State Chairman

Starting with this issue of the Arizona Libertarian, different individuals within the Libertarian Party will offer their view of what "makes a Libertarian a Libertarian". The Editor invites submissions for future issues.

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**A**s an outspoken advocate of liberty, and one who is proud to be known as a Libertarian, I have often been asked such questions as, "What is a Libertarian?" or, "What does it mean to be a Libertarian?" or, "What do Libertarians believe in?"

There are many ways to answer these questions, and often the answers are inadequate because of time limitations in our "sound-bite" society. People want to know the meaning of life in ten words or less.

In offering my views here, let me make it clear that these are my personal observations. Others will no doubt have their own perspectives, and it will be interesting, educational and useful if they will take the time to articulate them in future issues.

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I believe that the highest human virtue is honesty. Honesty requires that you apply the same standards to yourself as you do to others; that you grant others the same rights that you reserve for yourself.

I believe that the highest and best human condition is freedom. For freedom to exist there must be universal respect for the individual rights of everyone.

To some people that may sound suspiciously like a formulation of the "golden rule." Within those two short statements, however, are the seeds of the entire philosophy of liberty. You will notice that there is no room in this way of thinking for the insanity of bigotry. Nor is there room for the freedom-killing idea that it is possible for some individuals or groups to have "rights" that are somehow superior to the rights of other individuals or groups.

In the great historical experiment that is America, we started out with a "new" idea of human interaction -- voluntary self-governance. It was the startling idea that the individual did not get his or her right to life, liberty and property by applying to government authority. We get our rights, not as privileges granted by the power and authority of kings, but by inherent grant from "Providence", or "nature", or "God", or simply by being born as human beings, and these rights have always preceded nations or governments.

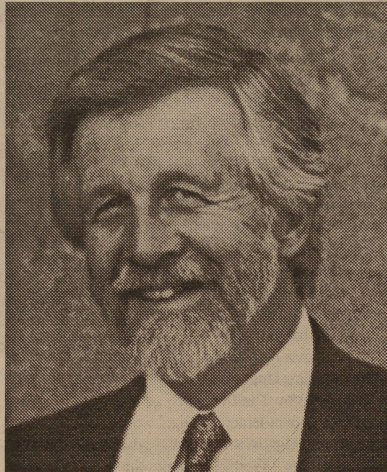
Americans who still remember their authentic tradition, who value freedom on principle, who would have the Constitution and the Bill of Rights (all of them, including the 9th and 10th Articles) respected by government, and adhered to, are Libertarians.

A Libertarian is a good neighbor, because he respects your rights as an individual, and will not trespass on you. A Libertarian respects and celebrates achievement, and believes that all people have an absolute right to their lives, their bodies, their minds, and all that they produce with their time, thought and effort.

We reject the politics of envy and the politics of war. We stand on the principle of non-aggression. Today, it is widely accepted that those who are successful in manipulating the political process, and thereby gain power, are justified in forcing their will on the rest of us. This is the root cause of most of our societal difficulties, because it entails two evil concepts; 'might makes right', and 'the ends justify the means'.

You see, once you convince yourself that your purpose or goal (the ends) are so good, so beneficial, so important that you are justified in using force against your fellow people to achieve it, you have fallen into the trap. You have endorsed and legitimized the concept that the ends justify the means. You have accepted, and used,

"I believe that the highest and best human condition is freedom"



Rick Tompkins  
ALP State Chairman

the principle that whoever gets their hands on political power and influence gets to run things their way, and be damned to minority opinions -- might makes right.

And so, the inevitable result of eschewing principle in the name of expediency, for the sake of being "practical," is constant strife, war, and even slavery. As the various factions battle for position and control, each wreaks its own brand of violence on the liberty and property of the populace. Each power group, whenever it has the chance, employs the 'might makes right - the ends justify the means' principle, to the overall detriment of everyone in the long run.

After all, if your cause was important enough to use force to gain it, then how can you complain when your enemies use the same reasoning against you when they are in power? Are you looking forward to the time when mind-altering drug use becomes mandatory, and random testing will be conducted to assure that you have taken your required dosages? Even in such a far-fetched example, you would have no principled complaint coming, because if you endorsed our current version of prohibition, you had already abandoned principle.

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In economics, Libertarians understand that the best and most efficient wealth-distribution system possible is the free market. Government interference in any voluntary transaction between people can only make the transaction less beneficial to the individuals. No monopoly can exist in the absence of political/government interference. If a market were truly free, anyone at any time could attempt to compete, and therefore nobody could maintain a monopoly.

Existing governmental interference causes widespread unemployment, underemployment, poverty, homelessness and crime, to name just a few of the consequences of such meddling in the affairs of honest people.

Minimum wages, for example, cut off the lowest rungs of the ladder of economic opportunity, so that those most in need of jobs and training cannot get started. If you wanted to start a business of your own, and

needed to hire help so that you could expand and be more efficient, could you stay in business if you paid the help more than they could produce? Of course not. So, you will do more work yourself, expand more slowly, and employ fewer people.

If you want to start your own business, does it help you that you have to get (and pay for) various licenses, permits, etc. Can you afford to comply with all the myriad regulations, reporting requirements, zoning restrictions, etc? Then come all the different kinds of taxes and fees, employee benefits, and on and on. It's no wonder that so many new businesses fail. When they run into the hundreds of road blocks that government has set up, they discover that only those with political pull can get by, unless they want to take the risks, as many do, of non-compliance.

A basic principle of libertarian thinking, as I see it, is that it is better for people to be free, than not. It is true that freedom can be a bit messy. Some people will not be prosperous, some will suffer misfortune, as is the case in any system, in any environment. Utopia is not one of our available options. But it is better, I think, for people to be free to seek prosperity and peace in life on their own terms, rather than to be subjugated, ordered around, numbered, regulated, and taxed to death. And can anyone sensibly contend that our current society of endless central planning and endless taxation is actually better than freedom would be?

To be free to strive for success must necessarily entail the possibility of failing. But failure is not permanent, as long as you are free to try again. Failure is not something to be feared, but something to learn from. Ask any successful, self-made person.

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With the possible exception of ignorance (which is liberally served up by our compulsory public school system), taxation is the single most dangerous enemy of liberty, both economically and morally. Every dollar extracted from the economy by government is a multiple drain on economic activity and everyone's prosperity. There is no activity more inefficient than government and bureaucracy. And I fail to see how anyone can believe that a just and moral society can be erected on a foundation of pure immorality. It is just plain wrong (by any ethical standard I know of) to take from anyone that which they own, without their permission - period. Sure, most of us may agree that we need some level of funding to serve the functions that we really need government to perform, such as national defense, police, and courts. But I also think that we are smart enough to devise honest and moral methods of doing so, if we really want to.

What we must do is engage in a new debate. We must decide what it is that we virtually all agree is the proper role of government, one that does not violate the rights of individuals. Then we can easily come up with a method of paying for that. What we are doing now is killing the American dream for all of us.

## Arizona Local Contacts for More Information on the Libertarian Party:

Mike Dugger	598-1394 (Phoenix)
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Michael Voth	774-5322 (Flagstaff)
June Boudette	567-5857 (Rimrock)
Peter Schmerl	327-8587 (Tucson)

Or, Just Call the Party Headquarters:  
**248-8425**

## Fully Informed Jury Assoc. promotes jurors' rights

By RICK TOMPKINS

Whose job is it to enforce the Bill of Rights? YOURS!

When can you do it? WHEN YOU SERVE ON A JURY.

It is common practice in our courts today for judges to contend that they alone may interpret and articulate the law. They insist, and most law schools teach, that the jury is confined to a very limited role of just evaluating the evidence presented, and being only the "trier of facts." They instruct juries that they must strictly apply the law as instructed by the judge. This is simply *not true*, and it is imperative that all people who might serve on juries learn the truth.

This practice of relegating juries to a subservient role in the courtroom is contrary to the quest for justice and a usurpation of a most fundamental check and balance in our system of government. Many observers view this as an attempt to circumvent the unquestioned power of a jury to consult with their conscience, their sense of right and wrong, when deciding a verdict. The jury has the power in all cases to decide whether or not to apply the law in the case before them.

This power, variously known as "jury nullification," or jury "veto power" is better described as the "consent authority of the governed." This is not only a power, but a right, a duty and an obligation to the cause of justice that we as members of our society have when we serve on a jury. It is up to us to grant, or withhold, the "consent of the governed" in a particular trial.

Thomas Jefferson, in a letter to Thomas Paine in 1789, said, "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution." The reverence for the institution of trial by jury held by the founding fathers of this nation is well known, and well documented. Unfortunately, our current holders of the reins of power believe that the average person cannot be trusted with such power, and so they use subterfuge, omission, and even outright lies to prevent us from exercising one of our most important roles in life.

"Our commitment to juries was not made for efficiency, but out of belief, based in part on faith, that we are all better protected from government by the good sense of our fellow citizens than by an institutional or intellectual elite -- an astonishing transfer of power from the rich and few to the common man." (*Anatomy*

of a Jury, by Seymour Wishman)

Webster's very first dictionary, published in 1828, carried the following definition of juries: "...petty juries, consisting usually of twelve men, attend courts to try matters of fact in civil cases, and to decide both the law and the facts in criminal prosecutions." (emphasis added)

And, just for added measure, I'll cite a few more

quotes from some well known historical authorities:

Article 1, Section 19, Indiana Constitution. "In all criminal cases whatsoever, the jury shall have the right to determine the law and the facts." (Upheld, *Holliday v. State*, 257 N.E. 579 (1970).

John Jay, first Chief Justice, U.S. Supreme Court (in *Georgiav. Brailisford*, 1794). "The jury has a right to judge both the law as well as the fact in controversy."

*United States v. Moylan*, 4th Circuit Court of Appeals, 1969, 417 F2d at 1006. "If the jury feels the law is unjust, we recognize the undisputed power of the jury to acquit, even if its verdict is contrary to the law as given by a judge, and contrary to the evidence...If the jury feels that the law under which the defendant is accused is unjust, or that exigent circumstances justified the actions of the accused, or for any reason which appeals to their logic or passion, the jury has the power to acquit, and the courts must abide by that decision."

*U.S. v. Dougherty*, D.C. Court of Appeals, 1972, 473 F2d at 1130 and 1132. The jury has an "unreviewable and irreversible power...to acquit in disregard of the instructions on the law given by the trial judge...The pages of history shine on instances of the jury's exercise of its prerogative to disregard uncontradicted evidence and instructions of the judge; for example, acquittals under the fugitive slave law."

Last year Arizona FIJA was able to get its bill, which would require judges to allow the truth to be told to juries on this subject, passed by the Arizona State Senate, but it was killed in the House Judiciary Committee. We will try again this year, and in the meantime there is a petition circulating to place the issue on the ballot in 1994. If you care to help with our efforts to correct this problem in our courts, either by helping to gather petition signatures or with financial assistance, write or call the Fully Informed Jury Association, 4730 W. Northern, #1063, Glendale, AZ 85301 (602) 930-1268.



## Clinton health plan destroys quality, choice

By TIMOTHY W. URELL, D.O.  
Family Physician, Yuma, AZ

As I write this, the Clinton administration's health care reform plan has been available for several weeks. Or, rather, the *New York Times* paperback version has been available for that length of time. The actual bill, hundreds of pages long, is essentially unavailable to anyone outside the D.C. beltway. Even within the beltway, it's my bet that very few have actually obtained and read a copy. This is too bad, for as Perot says, "the devil is in the details".

Just in case you have somehow missed it, let me review the high points of the proposed plan for you. The "Health Care Security Act of 1993" is a top-to-bottom restructuring of the way health care is provided and paid for. As it is now, a newly trained physician need only obtain a state license and (perhaps) a city business license before offering his services to the public. He is largely free to price his services as he sees fit, and to offer those services he thinks appropriate. For example, two years ago there was no one in my small community who offered laser surgery to patients. I decided it would be fun to do, so I undertook the training necessary and bought a laser. I now have a very nice clientele who prefer the laser for treatment of their skin cancers, hemorrhoids, warts, and a host of other conditions.

The patients who come to me for laser surgery make a private decision to accept and pay for this form of service. It is an example of a relatively free market at work. And it is an example of why American medicine is the best in the world. Under the Clinton health care plan I couldn't offer the service, the patients couldn't choose it, and we'd both go to jail if any money changed hands.

Under the Clinton plan, each state must establish a so-called "regional health alliance" which is simply a bureaucracy given total control of all health care in that state. "Alliance" in Clintonspeak is the same as "people's collective" in Marxspeak. The collective, ...er, alliance decides what medical services are allowed and which are forbidden (the "basic benefits package"). The alliance also sets the prices allowed for such services. Where the Clinton plan departs from pure socialism is that it doesn't have the alliance itself provide the medical services. Instead, it allows insurance companies to offer "plans" which are tightly controlled and almost identical. Patients are allowed to "choose" between these nearly identical plans once each year. These tactics allow the administration to pretend the plan features free enterprise, diversity, and choice when all three are merely illusions. Plausible deniability is guaranteed to the Clinton crew.

Interestingly, the only real choice allowed to the insurance plans is which doctors it wishes to exclude. Plans must accept patients, but not doctors. As an Osteopathic physician, I can see the possibilities for discrimination in this. Rather than promote diversity in health care providers, this plan allows the so-called "private" plans to eliminate not only D.O.'s, but chiropractors, naturopaths, acupuncturists, and anyone else the plan wants. It is likely that each state will have, at most, only a few plans within it. If a particular provider is "locked out" of these plans, he is literally

(Continued on page 14)

*"Under the Clinton health care plan, I couldn't offer the [laser] service, the patients couldn't choose it, and we'd both go to jail if any money changed hands."*

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"You've got all kinds of these paramilitary organizations in the U.S. government now," says lawyer Musilli. "The FBI, the ATF, the DEA, the Postal Inspectors, the list goes on and on. They've all got their own storm troopers and they love to do this stuff (we've got one in Michigan called DRANO, the Down River Area Narcotics Organization), and they're all running around like Keystone Kops."

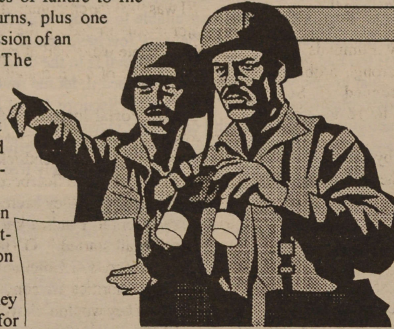
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Peter Hendrickson eventually pleaded guilty to the two unrelated charges of failure to file federal income tax returns, plus one "lesser" count of possession of an incendiary device. The Scarboroughs theorize he did this in return for a promise Doreen Wright would not be charged, and that they could keep custody of their child.

But any expectation of a soft sentence was shattered when Hendrickson got 27 months.

Prosecutors said they couldn't do anything for Hendrickson unless he could help them identify others involved in the smoke bombing. Hendrickson offered them the Scarboroughs. Musilli says the prosecutors were dubious, since the Scarboroughs had never been suspected, and gave Hendrickson a polygraph test. He flunked.

"That's partially true. It came out inconclusive the first time, and deceptive the second time," explains the prosecutor, Assistant U.S. Attorney Terence Berg.



**"You've got all kinds of these paramilitary organizations in the U.S. government now," says lawyer Musilli. "The FBI, the ATF, the DEA, the Postal Inspectors, the list goes on and on. They've all got their own storm troopers and they love to do this stuff (we've got one in Michigan called DRANO, the Down River Area Narcotics Organization), and they're all running around like Keystone Kops."**

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"It was partly because of that that we decided not to cooperate further with Hendrickson without further corroboration."

Desperate, Hendrickson came up with a scheme in which prosecutors were not initially involved. Wiring Doreen Wright for sound with an amateur microphone beneath her sweater, more than two years after the 1990 smoke bombing, Hendrickson took Wright to pay

a series of social calls on the Scarboroughs. Six-and-a-half hours of tapes resulted. But there was a problem. "I listened to all six-and-a-half hours, and you can't understand a thing," Musilli says. The cheap microphone and the heavy sweater had proved a disastrous combination. "It's really grim."

The Scarboroughs were arrested and brought to trial anyway. Again, their attorneys offered to bring

them in peaceably for arraignment. Again, a peaceful couple of homeowners were subjected to dramatic and unannounced raids featuring large numbers of armed postal inspectors. Scott was led away in irons from his job site at Ford Motors; Karen was hauled out in front of the neighbors at home.

And there was a problem with Karen Scarborough. Karen has had diabetes since the age of 9. Legally blind, she has undergone three kidney transplants and depends on insulin and anti-rejection drugs, both of which were confiscated at the time of her arrest.

"I have arthritis in my arms as well, and they kept trying to handcuff me behind my back even though I was in tears and pleading with them not to. Finally they just couldn't get my arms to bend that far so they cuffed me in front. I was in the hospital the next day. They weren't even going to let me have my leg braces because they said they didn't know what they were."

But the way Assistant U.S. Attorney Berg looks at it, Scarborough brought such problems on herself. "Those in that position always have the opportunity to plead guilty and get a better deal for themselves. These two chose not to, for whatever reasons."

The Scarboroughs could not actually be charged with bombing the post office -- they'd been granted immunity. So, they were charged with conspiracy to obstruct justice by lying to that grand jury.

What lies? "They told the grand jury they had no knowledge about the placement of an incendiary device. They also said Peter Hendrickson could not have been involved because he was with them at the time the device went off," Berg summarizes. And Hendrickson, of course, had pleaded guilty.

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Hendrickson tried to cooperate with the prosecution. He said he had prepared the smoke device and given it to Scott Scarborough, who had dropped it in the mailbox. Told the ingredients of the bomb, he reconstructed for the jury how he had put it together. Told a tea bag had been found at the site, he said he had placed it in the envelope to commemorate the Boston Tea Party.

"Unfortunately, the government's own forensic expert said the tea bag couldn't have been in the envelope, or it would have been loaded with phosphorus," Musilli laughs. "Their own expert said it must have been on the ground nearby for a long time and been swept up with all the other debris."

"Their own experts said Pete's story about how he built the bomb was impossible," recalls Scott Scarborough. "They listed ingredients and he tried to make up a story to match and they said it was nonsense."

Then, on the witness stand, Hendrickson blurted out that he had failed a lie-detector test when he first implicated the Scarboroughs.

Surely that was a welcome opening for Musilli? Hendrickson was a prosecution witness; all fans of Perry Mason know that once a state witness has "opened the door" on a subject, the defense is free to pursue it.

"I was admonished not to go into the polygraph matter," Musilli explains. "The judge said if I did she would declare a mistrial, which would have cost me my license. The prosecution figured I put Hendrickson up to it."

The state's main witness?

"Right."

For his help, Hendrickson finally served one year of his 27 month sentence, 51 days of that in actual jail.

(Continued on next page)

our employer and business taxes. We talked about school choice."

But school choice went down to defeat in California.

"There's an opening for school choice. We started off talking about market forces, letting PTAs have budget and curriculum control. If people eventually get around to saying that means school choice, fine. If Libertarians would just figure out that we didn't get to be a welfare state in a day and we're not going to get to be a free society in a day, we might get someplace. Right now we're operating as a think tank for the Republicans, who aren't nearly as sincere, and it's a damn shame."

Blake is a leading force in the drive to replace the current Libertarian national platform -- a 24-page fine-printed agglomeration of unusually detailed positions on literally dozens of issues few people would ever think to ask about, from the rights of electronic bulletin board operators to the need to repudiate the U.N. Moon Treaty to the evils of government monopolies on garbage collection -- with a briefer and more general statement of principles.

"We ended up spending two to three times what the competition did," perhaps totalling as much as \$60,000, Blake explains. "I wouldn't have had to do that but for the national platform. Oh my God, they ran radio and TV ads talking about legalizing prostitution and drugs and all that horseshit. Paving over the parks because we don't favor zoning."

Blake's advisors convinced him not to respond to the charges directly.

"I wanted to address this damn Libertarian national platform thing, but my advisors told me to stay on our issues; a campaign ought to be run on three issues, max. If you go beyond that you're just going to confuse the voters."

On the zoning question, "We just said we favor local decisions and would defer to what the neighborhood wanted. I told them I was proud to be the chairman of the Libertarian Party, and if you're against that you must think the works of Thomas Jefferson and the Declaration of Independence are pretty frightening documents."

## Libertarians won on Nov. 2

(Continued from page 1)

This usually brought cheering and applause in public meetings, which quieted down the opposition.

Blake says his position on drug decriminalization is well known, and is lent credence by his status as a medical doctor with a specialty in addiction treatment. "The federal War on Drugs is a \$40 billion boondoggle that hasn't worked; we need to have an open debate on problems that are not being solved by the current methodology. As an addictionologist I can speak with some authority; I have spent half my adult life trying to help people who are addicts. It's absurd to associate me with wanting kids to use marijuana."

Blake says he can foresee a day when he may take the local police chief aside and say, "Our priority is to get the drug dealers out of the neighborhoods and schools, and if the best way to do that is to give them a safe place to do their business, as long as they don't shoot anyone, who cares?"

"My problem with the national platform is that you don't have to address every issue, because every issue you address, you turn somebody off. I don't view an election process as a time to educate voters .... This is an antagonistic, slash and burn, in your face national platform. Mineral rights on Mars are just not goddamned pertinent to a city council race."

Pre-election polling indicated most voters would rather vote for a homosexual than a Libertarian, Blake says. He would like to see Libertarians embrace and work with Republicans and many other political factions who are at least somewhat more "libertarian" than today's incumbents, rather than holding out for a standard of ideological purity that few real-world coalitions can ever satisfy.

"We need to be winning elections, not seeing how many Libertarians can balance on the head of a pin. What are we, the Boy Scouts? It's like we're a cult instead of a political party; we just marginalize ourselves. I recommend to every state party that they just ignore the national platform."

Vin Suprynowicz is the assistant editorial page editor of the Las Vegas Review-Journal.

His last 10 months were served in a halfway house, from which he was free to return home during the day.

"He got a reduction on the basis of his cooperation," confirms prosecutor Berg.

The defense called the eyewitness, who repeated a description that matched neither Hendrickson nor Scarborough. Incredibly, though, with both the eyewitness and Scarborough present in the same courtroom in front of the jury, neither attorney asked her whether Scarborough was the man she had seen.

On cross examination, "I did not ask her if Scott Scarborough was the man," says Deputy U.S. Attorney Berg. "That was because I didn't know what she'd say."

Finally, that left only the tapes.

"They had no warrant to tape in these people's homes. Besides which, you can't understand a thing. So I filed an objection to the tapes, but the judge overruled me and admitted them," Musilli explains.

"Then they took six hours of tapes and edited them down to about five minutes. They pieced together parts of various conversations. Some of the sections end in the middle of a sentence, to make them come out saying what they wanted them to say. But since you still couldn't understand them, the prosecution prepared transcripts of what they thought the tapes said.

"I objected, and the judge compromised. She said she'd let the jury have the transcripts in the jury box, to read along, but she'd inform the jury that the transcripts aren't in evidence, only the tapes."

Doreen Wright does most of the talking in the portions of the tapes which have been transcribed, amounting to 16 pages in all. Weirdly, in one of Hendrickson's few transcribed remarks, he urges Scott Scarborough to shave off his mustache. Wright spends most of her time suggesting that, since Scott Scarborough has been granted immunity and cannot be charged with the post office bombing, he should admit to some related misdemeanor in order to take the heat off Hendrickson.

The transcripts contain no admissions of complicity by the Scarboroughs. Presumably their very willingness to tolerate such discussions counted against them with the jury. However, even in the excerpts selected by the government, Karen Scarborough at one point states: "We have to keep in mind that Scott didn't do it."

"He (Hendrickson) told us he pleaded guilty to something he didn't do, and I thought that's what they wanted me to do," Scott Scarborough says of the conversations, all initiated by Hendrickson and Wright. "There was a point later in the conversation where I said I couldn't do that because I was innocent, but that part of the tape got thrown away.

"So when the jury went to deliberate, they didn't have the transcripts, only the tapes," Musilli recalls. "And after two hours they sent a message to the judge that they wanted the transcripts, so she asked 'Does anyone have any objection to my giving them the transcripts?'"

"I said 'Of course I object, your honor. The transcripts aren't in evidence. This obviously proves my original contention, that they can't understand the tapes. Otherwise they wouldn't be asking for the transcripts.'

"And the judge says 'Well, I let them have them in the jury box, so I'm going to let them have the transcripts in the jury room. I don't see that it makes any difference.'"

Federal District Court Judge Nancy Edmunds, a Bush appointee, had been on the bench approximately

18 months. This is her first judicial appointment. As a private attorney, her specialty was commercial litigation.

Berg argues the jury's request for the transcripts didn't necessarily mean they couldn't understand them. "One thing the transcripts do is allow you to find your place in a particular tape," he says.

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The jury convicted the next morning, although Karen Scarborough says at least one juror was in tears as the verdict was read. On Nov. 18, 1993, Judge Nancy Edmunds gave Karen Scarborough probation, but sentenced Scott Scarborough to 18 months in prison.

Asked by a local TV reporter after the sentencing why his client had shown no remorse -- a consideration specifically cited by the judge -- Karen Scarborough's attorney, Thomas Wilhelm, said, "That's one thing an innocent defendant has a lot of trouble with; showing remorse."

The station declined to air the response.

Edmunds granted a 60-day delay in Scott Scarborough's prison reporting date so defense attorneys could seek bond pending appeal from the 6th Circuit Court of Appeals in Cincinnati.

"I'm optimistic we'll get bond in Cincinnati, because in a case like this, the appellate process takes longer than the sentence," figures attorney Musilli.

But if Musilli's estimate of the chance of getting the whole thing overturned on appeal ("excellent") is anywhere near right, why did the feds even bother? Why would they fear such tiny gadflies as the Libertarians?

"Our government today is so paranoid that they'll protect themselves with cannons against gnats," Musilli responds. "What was so threatening about the Branch Davidians? But they got whacked."

Was the jury carefully selected by prosecutors to contain only the ignorant and the brain-dead?

"No, they were regular citizens, a real cross-section. But people today don't want to believe their government is doing this. They don't want to believe their government would trump something like this up...The real danger in this kind of case is that the court was supposed to be the last bastion of protection of our Constitutional rights, and they're letting the government get away with everything it wants to do. Every single one of my motions was dismissed, and anything the government wanted to do was OK.

"I argued to the jury how this case was put together, it was put together like something out of a World War II propaganda film. You've got the storm troopers breaking in at an ungodly hour when no one would imagine it. You just take this scenario and instead of Troy, Michigan put it in the Warsaw ghetto, and all you've got to do is put the uniforms on them.

"But I came out rated in 1969, trying Selective Service cases, and the biggest change I've seen is in the juries.

"Back then I was representing Conscientious Objectors, who were not very popular to say the least, and I remember winning cases when I'd have juries that included men who had served in World War II, that would include women with two sons in Vietnam. There was a presumption of innocence then, but now there's a presumption of guilt.

"Our college students today aren't any dumber than they ever were, but they aren't given anything to read that was published before 1965. It used to be that you read a biography of Jefferson and you read about

what he thought, now all they read about is whether he fathered children with his black slave...It's that ability to think and analyze that's missing now. I try arguing cases on Constitutional grounds, citing the Constitution and challenging juries to stand up for its principles, and I just get blank stares. They have no idea what I'm talking about; they've never heard about it."

"I've lost my job over this. We're taking out a second mortgage to pay the legal fees, which are over \$30,000," says Karen Scarborough.

And the local Libertarians?

"I was the vice chairman of the party last year. All the major events including the reception for the presidential candidate were held at our house. So they knew if they took care of us, it'd shut down the party in the state."

Detroit Postal Inspector Michael O'Hara denies there was any political motivation in the prosecution of the Hendricksons (Peter Hendrickson has since married Doreen Wright) and the Scarboroughs.

"The fact that they were all Libertarians was strictly coincidental. I didn't know what a Libertarian was when this all started," O'Hara says. "They could have been Democrats or Communists for all we cared."

So the authorities are convinced they have all the perpetrators? They wouldn't have any interest in hearing from the Scarboroughs that other Libertarians may have been involved?

"If they were to come forward and give us information, I'm not saying it couldn't do them some good," O'Hara responds, "and we would certainly listen...They could shock me and come up with something good and if they did we'd follow it up, but I don't in my heart believe there were any more...It's a shame that Mr. and Mrs. Scarborough consider the government their enemy, because they didn't have to get in this kind of trouble. They had immunity for the bombing. If Scott Scarborough had just come forward and said 'Yeah, I made it, I planted it, what are you gonna do?' we would have been left standing there, we would have lost. They might have been embarrassed, but they would have gone free."

"This has effectively removed our protest now. Nobody goes down to the post office any more on tax day to protest the IRS."

*Vin Suprynowicz is assistant editorial page editor of the Las Vegas Review-Journal. His twice-weekly column is also syndicated in the Odessa (Texas) American and the Victorville (California) Daily News.*

## Party Phone Listings

### COUNTY HEADQUARTERS

Maricopa County 248-8425  
Pima County 323-1656  
Yuma County 783-1776

### STATE CHAIRMAN

Rick Tompkins 930-1268

### COUNTY CHAIRMEN

Coconino  
Mike Voth 774-5322  
Maricopa  
Tim McDermott 867-3988  
Pima  
Peter Schmerl 327-8587  
Yavapai  
June Boudette 567-5857  
Yuma  
Timothy Urell

### NATIONAL HQ 202-543-1988

National Chairman  
Steve Dasbach 219-432-7145

Region 8 Representative  
Joe Barnett 817-536-4131

*Asked by a local TV reporter after the sentencing why his client had shown no remorse -- a consideration specifically cited by the judge -- Karen Scarborough's attorney, Thomas Wilhelm, said, "That's one thing an innocent defendant has a lot of trouble with; showing remorse."*

THE ALP

# Pundit's Page

Featuring the ALP Pundit Himself:  
MIKE DUGGER

## A Golden Opportunity

As the Clinton regime unfolds before us it seems that more and more people are beginning to recognize its neo-Stalinist nature. Surely, even many who voted for this "New Democrat" have since become aware that this emperor wears no clothes. Indeed, naked thuggery -- on a scale previously unimaginable in this country -- has revealed itself as the hallmark of this administration.

From the budget cuts and streamlining that we know will never take place, to the health care nationalization plan, to the unnatural deaths of (at last count) 24 people connected with the Clinton campaign since his election -- including three of the federal agents who died at Waco to provide the justification for the murder of nearly 100 innocent men, women and children -- government expansion, and the purge by any means of any idea or faction or erstwhile lackey who dares oppose it are the Clinton Administration's defining characteristics. What we have now is a regime so ruthlessly brutal that even the comfy, lackadaisical, apathetic masses which make up the majority of our American brethren are being shaken from their self-imposed blindness. It's as though Atlas were, rather than shrugging, yanking the world from around the heads of a sea of ostriches. And they are unhappily adjusting to the light.

Perhaps the most nefarious aspect of Clinton's assault on our rights is the mounting offensive against our right to keep and bear arms. Fortunately, it is also the very thing which appears to be wakening millions to just how wrong things are and how much worse they stand to become. Only the most willfully blind of our brothers believe the fiction that these "Assault" rifles are the weapon of choice amongst the criminal class. When was the last time we heard of a carload of gang-bangers with AK-47s, or some punk knocking off the local 7-Eleven with an M-16? There must be another reason why some folks are so intent on eliminating the very weapons we citizens would find most effective for resisting a government which has ceased to perform any legitimate function and sought instead to enslave us.

Perhaps it isn't an awareness of the danger, so much as an innate sense of it, which is causing people to enter gun shops and attend gun shows in unprecedented numbers. When it appears that every other person is purchasing a Chinese SKS "Assault" Rifle,

you can bet your booty that it's not Bambi they'll have in their sights. Is the blood of tyrants and patriots on the verge of flowing? The hope, of course, is that it is not -- though reality may well dash that hope. In times like these it's good to remember the immortal words of Monty Python -- "Nobody expects the Spanish Inquisition!"

But I'm not writing to raise the fear of what arguably might take place. That is neither desirable nor productive from the standpoint of the beleaguered Libertarian. The important thing to realize is that the widespread discontent so deftly, though only temporarily, shunted to ground in the '92 Presidential campaign still exists. Indeed it is probably greater than before. As pointed out by noted author L. Neil Smith in his address at the Libertarian National Convention in September, we have a golden opportunity to sway gun owners to become Libertarians, as it is the most viable political party to preserve their rights.

*"In times like these it's good to remember the immortal words of Monty Python -- 'Nobody expects the Spanish Inquisition!'"*

It is incumbent upon us to pursue this "market" for our ideas.

We deserve their support in return for the years of unwavering support for the Second Amendment we've provided. But we have to get out and demand it of them. More than that we have to show them that we are their ONLY hope for preserving their right to keep and bear arms. The facts are there waiting for us to present to this huge group of Libertarians-to-be. If we only manage to recruit 10% of the 60 million gun owners in this country and they contribute only an average of \$5 each to our 1996 Presidential candidate -- you get the idea. It may not work out that way -- but then again...

## Department of:

# We're Not Making This Up . . .

### United One-Ups American

"The papers also reported trouble in the airline industry, highlighted by the American Airlines strike. But did it make you nervous when United Airlines employees announced that they would express their dissatisfaction with management by following all the safety regulations, which would cause a disastrous slowdown in operations?"

Paul Schatt,  
Arizona Republic, November 28, 1993

### Aren't Those Greens A Scream?

In Grangeville, Idaho, the health inspector has ruled that an Earth First! campsite violates state code for the disposal of waste and "shows contempt for the Earth."

Reason Magazine, November, 1993

### 'Do As I Say' Liberalism. . .

Liberal Senator and former San Francisco Mayor Diane Feinstein presided over the San Francisco handgun ban, even as she herself held one of a handful of carry permits in the city. She made a show of turning in a handgun during an amnesty period some time back, but later admitted that it wasn't the only gun she owned.

Barbara Boxer, also a Democratic Senator from California, never met an anti-gun bill she couldn't wholeheartedly support, even though one of her aides was recently arrested for illegal possession in her San Francisco district office. This was not his first arrest!

Carol Moselley Braun of Illinois, elected to the Senate in 1992, is also apparently of the "do as I say, not as I do" school. She is in favor of the Brady Bill and is

a co-sponsor of other anti-gun legislation, but holds a Firearm Owners Identification Card (FOID) in Illinois.  
Women & Guns, October, 1993

### Head South, Young Man

"America Is Here," boasts a sign in the Sao Paulo, Brazil, Radio Shack. Over the past decade, Brazil, with a gross domestic product twice that of Mexico, has cut import tariffs from 78 percent to 14 percent. The New York Times says U.S. exports to Brazil, which totaled \$5.7 billion last year, have grown by 35 percent since 1988. And next March, Brazilians can buy American-built Ford Tauruses and Explorers and Chevy Lumina.

Reason Magazine, November, 1993

### Republicans Abandon Gun Owners

Breaking ranks with top congressional Republicans, GOP leaders of the nation's two largest cities voiced support Sunday [November 28, 1993] for waiting periods for gun purchases and tougher laws to restrict the proliferation of handguns.

New York City Mayor-elect Rudolph Giuliani said he advocates a "uniform licensing system with real teeth in it," including background checks, lessons, tests and required renewals every two years to "show you're stable, you're healthy, you're able to handle a gun."

Los Angeles Mayor Richard Riordan said California already has a 15-day waiting period, well beyond the five-day waiting period of the Brady bill just passed by Congress.

The two Republicans, appearing on NBC's Meet the Press, skirted any direct criticism of their party for holding up passage of the Brady Bill. But both said they

would campaign for tougher gun controls.

"Anything we do...that will reduce the number of weapons in the country will help cities in particular and help police officers," said Giuliani and Riordan.

Arizona Republic, November 29, 1993

### Where is his advocate?

"A homeless man on the corner of University Drive and Alma School Road in Mesa last week must have thought that honesty was the best policy. His cardboard sign read, 'Why lie, I need a beer.'"

Arizona Republic, December 15, 1993

### Feel safer now?

Los Angeles, bowing under pressure from animal rights activists, will no longer trap coyotes (even with harmless "live capture" traps -- and even if the coyote is suspected of having rabies. The Director of California Wildlife Defenders is ecstatic. If you're wondering how the animal defenders plan to protect the cats and dogs that the coyotes prey on, we haven't heard a word. And then there's the spread of rabies to consider, but...

Reported in Reason Magazine, October, 1993

### The law is the law, no matter what!

The mayor of Cape d'Agde, France, has a complaint about tourists at the seaside resort: "More and more holidaymakers are refusing to get undressed." So the mayor has formed a patrol to police the city's nude-only beach and make sure that sunbathers strip or go to jail.

Reason Magazine, November, 1993  
(One wonders; does the law "cover" the cops?)



## Signed by Hatch and DeConcini 1982 2nd Amendment Senate report buried

By TIM URELL  
Yuma County LP Chairman

All gun control laws are unconstitutional.

It's true. The Second Amendment is an absolute guarantee of every individual American's right to keep and bear firearms. That is the conclusion reached in 1982 by a subcommittee of the U.S. Senate charged with discovering the "true" meaning of the Second Amendment. Here is that subcommittee's conclusion:

"The conclusion is thus inescapable that the history, concept, and wording of the second amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner."

Subcommittee on the Constitution  
Senate Committee  
on the Judiciary  
97th Congress (1982)

This subcommittee report, signed by Chairman Orrin Hatch (R-Utah) and Vice Chairman Dennis DeConcini (D-Arizona) was buried in the Federal Register so it would be forgotten while the gun-grabbers did their dirty work. This is one of the worst examples of the U.S. Congress ignoring the very Constitution it is sworn to uphold.

The Libertarian Party, America's third largest political party, has undertaken the job of BILL OF RIGHTS ENFORCEMENT that has been abandoned by our elected leaders and the courts. We believe in the Constitution as it is written -- not as it can be re-interpreted by ignorant or corrupt officials!

Every politician, judge, or other official who endorses or supports a gun control law is guilty of a crime against the Constitution. The Libertarian Party intends to see these criminals go to jail! We may not be able to do it soon, but with your help we WILL be able to do it eventually. Like those who still hunt Nazi war criminals 50 years later, WE WILL

**NEVER STOP!** Crimes against the Bill of Rights are crimes against the most basic human rights! There is no statute of limitations on human rights violations.

If you believe in the Constitution, if you believe in the Bill of Rights, if you believe in your Second Amendment right to keep and bear arms, you must ACT to protect them. For a start, here's what you must do:

**" They think you aren't paying attention and that you have a short memory. They think you will never put your money where your mouth is. Tell them they are wrong. Tell them that, like concentration camp survivors, YOU WILL NEVER FORGET! "**

1. Join the NRA and send them as much money (ammunition!) as you can. Ask the NRA to support their only unwavering political allies -- the Libertarian Party!

2. Join the Libertarian Party, both locally and nationally. Give the LP as much money as you can. Help your local LP get the word out to gun owners! Volunteer your time, too.

3. Write to your Congressmen, your judges, your mayor, and every other elected official who represents you. Tell them you support the NRA and the Libertarian Party's BILL OF RIGHTS ENFORCEMENT program. They think they can get away with gutting the Constitution. They think you aren't paying attention and that you have a short memory. They think you will never put your money where your mouth is. Tell them they are wrong. Tell them that, like concentration camp survivors, YOU WILL NEVER FORGET! Tell them you will see them go to jail, even in their old age, if they support any gun control law whatsoever!

## How police confiscation is destroying America

By JARRET B. WOLLSTEIN

This article is reprinted from the October and November issues of Freedom Daily, the monthly publication of the Future of Freedom Foundation, 11350 Random Hills Rd., Ste. 800, Fairfax, VA 22030.

**T**hroughout America, police are now seizing cars, houses and bank accounts -- without trial -- and killing innocent Americans.

The police now have the legal power to confiscate anything and everything that you own. Without trial, conviction, or even indictment, police are seizing cars, bank accounts, homes and businesses from at least 5,000 innocent Americans every week. If you resist a police confiscation, they can even cripple or kill you with impunity.

Do you want proof? Every Wednesday, Section D of *USA Today* lists the latest confiscations by the Drug Enforcement Administration. There, in tiny 6-point type, you will find the latest list of weekly seizures of pocket cash, bank accounts, cars and homes by just this one government agency.

More and more government agencies are joining in this feeding frenzy. You and I are the prey. Agencies now confiscating property from innocent Americans include the FBI, the Coast Guard, the Food and Drug Administration, the U.S. Post Office, the Bureau of Land Management, the Securities and Exchange Commission, and the Department of Housing -- plus thousands of state and local departments.

A sign of the times: many police departments now have their own moving vans for carting away everything you own. Your property, your liberty, and your life are under siege. Here are a few examples.

### Robbing Innocent Motorists

If you are stopped by police in Volusia County, Florida, for a minor traffic violation, it may cost you a lot more than a \$100 ticket. If Volusia police stop you on I-95, they ask, "How much cash are you carrying?" If your answer is more than a few hundred dollars, they routinely seize it.

Volusia police say that carrying more cash is "suspicious behavior."

If you are also carrying valuables -- such as jewelry, or driving an upscale car, they often confiscate that as well. In the last four years, these legalized highway robberies have brought in \$8 million for Volusia County.

Similar car confiscations are taking place throughout America. In Houston, over 4,000 cars a year are confiscated. In New York, it's over 10,000 cars. Police car-confiscation squads now operate in Louisiana, New Jersey, Alabama, Arizona, California, Texas, and many other states.

### Janitor's Life Savings Confiscated

In 1989, police stopped 49-year-old Ethel Hylton at Houston's Hobby Airport and told her she was under arrest because a drug dog had scratched at her luggage. Agents searched her bags and strip-searched her. They found no drugs. They did find \$39,110 in cash, money she received from an insurance settlement and her life savings. Ms. Hylton had accumulated this money through over 20 years of hard, physical work, as a hotel housekeeper and hospital janitor.

Ethel Hylton completely documented where she got her money. She was never charged with a crime. But police kept her money anyway. Nearly four years later, she has little hope of ever getting her money back.

The Drug Enforcement Administration and the police now operate surveillance units at all major U.S. airports. Virtually everyone you deal with at an airport -- from the ticket clerks to the baggage handlers -- is paid a 10% bounty for turning you in to the DEA if you buy a ticket with cash or if you look "suspicious."

Investigative reporters from *60 Minutes* recently checked out reports of DEA airport-confiscation squads in Atlanta, New York and other cities. In every case, within minutes of a well-dressed black undercover reporter's buying a ticket for cash, a DEA agent came out and confiscated all of the money in his wallet.

DEA surveillance operations are expanding. DEA units have now been established at some major hotels, particularly in "drug centers" like Los Angeles, Miami, and New York. The DEA has even installed surveillance cameras at some agricultural supply houses, and requires salesmen to record the name, address and social-security number of anyone who buys grow-lights.

### Couple Thrown Out of Home

Kathy and Mark Schrama were arrested on a freezing day in late December 1990 at their home in New Jersey. Kathy was charged with taking \$500 worth of UPS packages from neighbors' porches. Her husband Mark was charged with receiving stolen goods.

If there had been a trial and they were found guilty, the Schramas might have received a small fine and probation. This was their first offense.

While they were at the station, police casually informed the Schramas that they could forget about ever driving their cars or going home again. Under New Jersey's forfeiture laws, the police confiscated the Schramas' two cars, their home, and all of their possessions -- over \$150,000 in property -- without trial or conviction. Police even took their clothing, prescription medicines, eyeglasses, and Christmas presents for their 10-year-old son.

(Continued on page 10)

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**H**undreds of similar home confiscations without trial are taking place every week. To confiscate your home, all police need is a tip from an anonymous informant that a family member or friend once had drugs, pornography, or unregistered guns in your house. Once the accusation is made, they can confiscate your home at their discretion. The burden of proof is then on you to prove that the government's charges are false.

Civil-asset forfeiture is based upon the legal fiction that property -- not individuals -- is guilty of offenses. That legal fiction enables the government to throw all of your Constitutional rights out the window. Your property -- not you -- is charged, and property has no presumption of innocence, no right to legal counsel, and no right to trial by jury. Under civil-asset forfeiture, the police can confiscate your "guilty property" without ever charging you with a crime.

If you have a party at your home, and one of your guests gives a single marijuana cigarette to another guest, that is enough for police to confiscate your home. If you own a business and one of your employees uses the company telephones or fax machine to place an illegal, off-track bet, that is enough for the government to confiscate your business.

It doesn't matter if you knew nothing about these illegal acts. It doesn't matter if you strongly oppose drug use and illegal gambling. In the topsy-turvy world of civil-asset forfeiture, all that matters is your property has become "tainted" -- and hence subject to forfeiture because it was used to commit an illegal act.

According to the *Washington Post*, the U.S. Marshal's Service alone now has an inventory of over 30,000 confiscated homes, cars, boats, and businesses.

### The Power to Confiscate Cash

In December 1988, Detroit police raided a supermarket to make a drug bust, but did not find any drugs. When police dogs reacted to traces of cocaine on *three one-dollar bills* in the cash register, they seized the entire contents of the store's registers and safe, totalling \$4,384.

Using "drug residue" as a criterion, police could seize all of the cash in the country. According to a seven-year study by Toxicology Consultants, "An average of 96 percent of all the bills we analyzed from 11 cities tested positive for cocaine."

A series of studies recently completed for the U.S. Bureau of Engraving and Printing reveal that rollers in 15%-27% of the government's presses that print our currency are also contaminated with cocaine.

### Doctor Reduced to Destitution

A new offense that can trigger total confiscation of your assets is the crime of "structuring." Structuring is arranging your bank deposits or withdrawals to avoid filing an IRS Currency Transaction Report (CTR).

If you have recently deposited or withdrawn as little as \$3,000 in cash in your bank account without filing a CTR, you are probably guilty of structuring. The penalty is a fine of up to \$250,000 and five years in prison.

A few years ago, a 65-year-old Alabama physician had his life savings seized by the IRS because of alleged structuring.

The doctor got into trouble when he consolidated his savings at a new bank opened by a friend. The banker made the mistake of suggesting that the doctor deposit his funds gradually, so he wouldn't have to file CTRs and attract IRS attention. But according to the government, simply acting in a way that falls outside their reporting requirements is itself a crime!

Using money-laundering statutes, a United States

Attorney seized this elderly doctor's entire savings. The doctor is now a pauper, and could still be imprisoned for five years.

□ □ □

Under the Comprehensive Forfeiture Act of 1984 and other federal crime laws, any monies a defense attorney receives from a client can be confiscated -- either before or after trial -- if the government alleges they were the proceeds of an illegal transaction.

In March 1992, the Securities and Exchange Commission froze all of the assets of the nationally renowned law firm of Kaye, Scholer, Fierman, Hays and Handler.

With all their assets frozen, Kaye, Scholer couldn't pay sala-

a 10% bond before you can contest asset confiscation. The cost bond pays for government attorneys investigating you, questioning you, and prosecuting you. Any information you provide in answering hundreds of interrogatories will be perused by the IRS and other governmental agencies to identify crimes they can charge you with.

Finally, since property is charged, the constitutional protection against double jeopardy doesn't apply. And even if you win in the trial court, the government can appeal endlessly, until legal fees alone force you to quit or make a deal with the government -- such as splitting the value of your house with them.

### Killing Innocent People During Confiscation Raids

Increasingly, confiscation raids are turning deadly. On the night of March 12, 1988, Tommie C. Dubose, a civilian naval instructor, was relaxing in his living room in San Diego. Without warning, the police broke down his front door and shot him dead.

The police were acting on a tip that drugs were sold at his house. No drugs were ever found. And people who knew Dubose said he was strongly opposed to drug use.

In 1992, "Annie Rae Dixon, 84, bed-ridden with pneumonia in Tyler, Texas, [was] shot to death by police in a 2 a.m. raid last January. An officer said his pistol accidentally went off when he kicked down her bedroom door. No drugs were found." (*USA Today*, January 11, 1993, page 1.)

On October 2, 1992, "Multimillionaire rancher Donald Scott, 61, was shot to death when 26 DEA agents, LA County sheriff's deputies and National Park Service officers raided his 200-acre Malibu spread looking for marijuana they never found." (*USA Today*, January 11, 1993, page 1.)

The National Park Service had unsuccessfully tried to buy Scott's ranch to incorporate it into a surrounding national park. A *60 Minutes* report of April 2, 1993, uncovered police planning documents for the raid that make it clear that police were searching for evidence to justify confiscating Scott's ranch.

Legalized murder is becoming legalized mass murder. In May, 1993, heavily armed Bureau of Alcohol, Tobacco, and Firearms (BATF) agents and Federal Bureau of Investigation agents attacked the compound of the Branch Davidians in Waco, Texas, to serve a search warrant for illegal firearms. The 51-day siege ended with eighty-six men, women and children being burned alive after an FBI tank drove through the front door of the compound. According to Branch members, the FBI tank crushed a large bottle of propane fuel and knocked over lit, kerosene lanterns. Attorney General Janet Reno said, "I sent in the tank to avoid more violence."

If police have a valid search or seizure warrant for your house, that now means they have a virtual license to kill you, your spouse, or your children. The courts have ruled that police can use any force they deem necessary to protect themselves during a raid. It is nearly impossible to get prosecutors to indict police who kill -- unless your relatives are politically powerful or there is a very loud, public outcry.

There was no indictment in the Don Scott case, and the FBI agents who killed scores of innocent women and children in Waco, Texas, are being hailed as heroes.

### Becoming a Victim of Asset Confiscation

In America today, anyone can become a victim of a police confiscation raid. Every state police department -- and most local ones -- are now confiscating property. Financially strapped states and municipalities are now making *next year's* planned confiscations a growing item in their budgets. As government regulation and

ries, rent, or even an electric bill. Faced with imminent bankruptcy, in a matter of days Kaye, Scholer agreed to make a deal. In exchange for "voluntarily" paying the SEC a \$41 million fine, their funds were unfrozen.

What was Kaye, Scholer accused of? The government claimed that they had "concealed information" from government prosecutors about their clients, Lincoln Savings and Loan and Charles Keating.

For 200 years, the confidentiality of the attorney-client relationship has been a bedrock principle of our legal system. That's history. Our government now says that unless your attorney spies on you for the state and helps prosecutors prepare a case against you, all of your attorney's assets can be frozen or confiscated without trial or even indictment.

**Furthermore, the government requires you to pay a 10% bond before you can contest asset confiscation. The cost bond pays for government attorneys investigating you, questioning you, and prosecuting you. Any information you provide in answering hundreds of interrogatories will be perused by the IRS and other governmental agencies to identify crimes they can charge you with.**

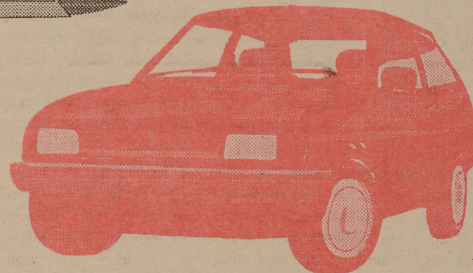
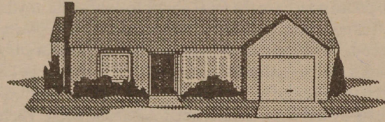
Few attorneys even take drug cases anymore. To destroy the defense in *any* criminal case, prosecutors now only have to hint that the money used to pay an attorney is "tainted" and could be confiscated. Unless your attorney is independently wealthy or a philanthropist, he probably won't be able to defend you. No wonder less than 3% of criminal cases now result in a jury trial.

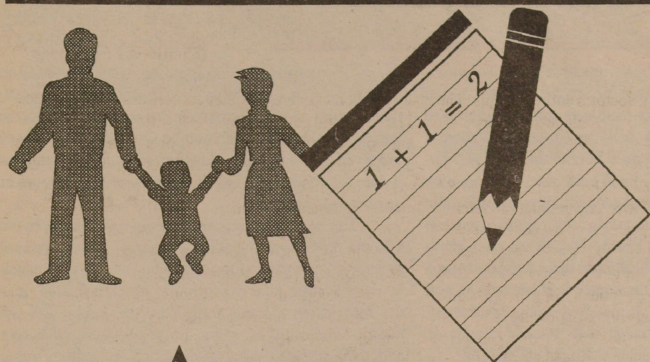
### Arresting Your Property

Civil-asset forfeiture is based upon the legal fiction that property -- not individuals -- can be guilty of criminal acts. Since your property has no rights, once police confiscate it, your property is *presumed guilty*, and you must prove its innocence to get it back.

Since your property -- not you -- is charged, you have no right to a court-appointed attorney, you have no right to confront your accusers, and hearsay evidence can be used against you. If you want to fight confiscation, you will somehow have to beg or borrow the funds to pay an attorney -- who typically will want *at least \$10,000* up front for these cases.

Furthermore, the government requires you to pay





# Home Schooling:

## A Renaissance in Education

By TOM LEWIS

As states ponder school reform, certain individuals have taken matters into their own hands. They have become part of the fastest growing educational movement in the country today. This movement exceeds one million children with a growth of over 5000% in the past decade. During this time, support organizations have grown from several hundred to over 3500. Now experts are estimating that by the turn of the century, 5% of all the school-aged children in the United States will be home schooled.

This remarkable movement happens with no state aid, and little if any access to government school gadgetry like computers or sporting opportunities. It happens without certified teachers or the mechanism of institutional socialization. Even without those cherished trappings of government schooling, home educators are successful in raising educated and responsible children.

Home schooling is nothing new. Its roots run far into antiquity. The ancient Hebrew prophet, Moses, admonished fathers to teach their children. Instruction covered religion, ethnic customs, geography, history, social laws, health and personal responsibility. This family centered, holistic process occurred naturally while walking along a road or in conversation at the dinner table.

This great tradition carried over into early America.

### Part One of a Two Part Series (Part Two will appear in the April issue)

In fact, home education played a major roll in the educational process through the 1850s. Did you know almost a quarter of our presidents and over 30% of the delegates to the Constitutional Convention were home educated? Two of those delegates, John Witherspoon and William S. Johnson, became presidents of Princeton and Columbia schools of higher learning. Those home educated included such diverse individuals as George Washington, Abraham Lincoln, Woodrow Wilson, Franklin D. Roosevelt, Benjamin Franklin, George Washington Carver, Thomas Edison, the Wright brothers, Mark Twain, William F. Buckley, Pearl Buck, Robert E. Lee, George Patton and Douglas MacArthur.

Historical evidence of early America indicates that we were the best educated people in the world. The Dupont study on education in America, requested by Thomas Jefferson, revealed a national literacy rate of 99%. Not surprising considering that in 1776, Thomas

Paine's book, *Common Sense*, sold 600,000 copies. That dwarfs any modern day best seller. What's interesting is 70% of his books were sold to slaves and indentured servants. Daniel Webster in the 1820s observed, "a youth of fifteen of either sex, who cannot read and write, is very seldom to be found." This is a testimonial to the academic success of our free market form of education.

Consider, anyone was free to start a school or home educate. There was no state control, overseership or compulsory attendance laws. Education was accomplished through parents, tutors, governesses, apprenticeships, church schools, private schools, free private schools and government free schools. Reading, writing and basic math were prerequisite to entering common and grammar schools. All this led Alexis De Tocqueville, in 1830 on his tour of America, to comment, "There has never been under the sun a people as enlightened..."

What is home schooling? First of all, it's parental empowerment. This is foundational to its success. Home education affords the parent choice of curriculum, books, philosophy and religious tone. They can choose as much or as little structure as fits the uniqueness of their child. They choose the time and length of day and the day(s) itself. Conversely, Professor Robert L. Cunningham of University of San Francisco suggests, that because the

(Continued on page 12)

taxation destroy productive enterprise, government at all levels will rely more and more on direct confiscation of property for revenue.

There are now over 200 federal, state and local confiscation laws on the books, and more are passed every month. There are hundreds of provisions in the tax code alone, which can be used to justify confiscation of your car, home, bank account, and business without trial.

### Confiscating Property for Personal Use

State and federal asset-forfeiture laws allow police and government agencies to appropriate confiscated property for their own use so long as it is in "the line of duty."

A whole industry is evolving around asset confiscation. Police and government agencies love it because it is a cheap and easy way to increase their revenues. Informants and crooks love it -- some of them now make up to \$780,000 a year entrapping and turning in neighbors and former friends.

Judges love it because they typically get 20% of the forfeited property for their courts. Sheriffs and DEA agents love it because they get first pick of confiscated assets.

More and more police chiefs these days are driving around in confiscated Jaguars, BMWs and Mercedes. Confiscated country clubs have been turned into "police training facilities." Confiscated cash and expensive stereos and TVs tend to disappear quickly from police lockers.

It is not surprising that civil-asset confiscations are now doubling every year. In 1985, the government seized \$27 million in property. In 1992, they seized \$1.2

billion. That's an increase of 4,400% in seven years. At the current rate of growth of confiscations, all property in America will belong to the state within seventeen years.

### Beginning of the End of Justice in America

Civil-asset forfeiture is the harbinger of a police state in America. When police and government agencies can loot from innocent citizens at will, it is the beginning of the end of justice and liberty. Increasingly, police are focusing their energies upon what assets can be confiscated rather than what actual crimes have been committed. And, even worse, more asset-forfeiture laws are being proposed and enacted.

The 1992 Omnibus Crime Act -- vetoed by former President Bush for being "too soft on crime," and strongly supported by Bill Clinton -- increases from 6 months to 6 1/2 years the time government agencies have to return improperly seized assets. (How much would your car or house be worth after six months without maintenance or repairs?)

Pending federal medical-forfeiture legislation allows the government to confiscate all of the business or personal assets of doctors who "overcharge" or who prescribe "unnecessary treatments" -- with the government defining after the fact what is a proper price and a necessary treatment.

The Crime Control Act of 1993, now before Congress, allows the government to confiscate homes, cars and bank accounts of individuals and groups whose publications, speeches or assemblies might encourage violence or "coerce legislation." A similar law has also been introduced in Arizona.

Modeled on existing drug laws and asset-forfeiture laws, under the new political-forfeiture legislation, all the government would need to confiscate your property is to "suspect" that you or your organization tend to encourage violence. You are then presumed guilty, your property would be confiscated, and you, penniless, would have to prove your innocence.

### Fighting Back

As appalling as the present situation is, there is some cause for hope.

In the fall of 1992, Representative John Conyers of Michigan held congressional hearings on aspects of civil-asset forfeiture. He pledged to oppose some of the more invasive aspects of forfeiture.

In February 1993, the Supreme Court rejected the Department of Justice's position that the government could confiscate the assets of innocent people if some of the money used to purchase the asset came (in whole or in part) from illegal activities. In June, the Court rejected the Department of Justice's contention that confiscation is not punishment and said that the Eighth Amendment's prohibition against unreasonable search and seizure does apply to confiscation cases.

If civil-asset forfeiture is not stopped, it will mean the end of justice in America ...the end of liberty ...the end of America as we know it. By fighting against asset forfeiture, you are fighting for your property, your liberty, and your life. It is a battle you cannot avoid; it is a battle we must win.

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Mr. Wollstein is associate editor of *The Financial Privacy Report*, P.O. Box 1277, Burnsville, MN 55337, and the coauthor of two recent books just published by the Report: *The Rage of Islam and What Really Happens When They Confiscate Your Gold*. He is also a director of the *International Society for Individual Liberty*, 1800 Market Street, San Francisco, CA 94102.

state provides free government schooling and forces children to attend, parents tend to be irresponsible concerning their children's education.

Is parental empowerment to be feared? Not at all! Countless research has shown home educated children both academically and socially out-perform their counterparts in government schools. Parental empowerment was well understood by our founding fathers. Thomas Jefferson said, "It is better to tolerate the rare instance of a parent refusing to let his child be educated, than to shock the common feelings and ideas by the forcible aspiration and education of the infant against the will of the father." It is interesting that the empowerment denied to the parents of government schooled children is foundational to the success of the home schooled child.

Secondly, home education is real world. Where in the real world do you find 30 people all the same age and all performing the same task? It certainly doesn't fit the profile of the working world or public life, yet government schools are based on this distorted reality. Furthermore, there seems to be a strong correlation with compulsory government school, with its age segregation, and the behavioral malaise that the generation gap has produced in the past forty or fifty years. In contrast, home educated children learn with siblings, parents, and in some cases, with grandparents. Home education, with its age integration approach, offers the child and parent the opportunity to participate together, thereby helping the child develop the necessary cross-generational social skills.

Another important part of the home educated child's real world experience is learning the work ethic. Work is geared around participation in the household chores and cottage industries. Cottage industries can be simple lemonade stands or baking cookies for distribution to the neighbors. It may involve mowing yards, newspaper routes, making and selling arts and crafts, or participating in a family home business. This process provides the child with practical opportunities to learn about the free market system of demand, profit, loss, customer service and maintaining records.

Also critical to becoming a whole person in the real world is volunteerism. Most home educated children are active in church, community and charitable causes. Dr. Raymond Moore, one of the fathers of the modern day home education movement, lists volunteerism as a fundamental ingredient to a successful home education experience. In the final analysis, home education is not a process, but rather a way of life in which the child is welcomed into the community and the adult world.

**W**hy do families choose home education? The number one reason given is families wish to impart their philosophy, values and world view to their children rather than leaving it to another. It is important to understand that "the nature of education is

to be religious," even in government schools. The intention of education may not be explicit to the casual observer, but even the basic subjects and processes used to convey their content seek to convert a student's behavior to that institution's beliefs and values. Dr. Richard A. Baer, Jr. of Cornell University concurs with this point by stating, "It is sheer mythology to think there is such a thing as value neutral or religious neutral education." The bottom line is, it's just not possible to successfully separate values from their ultimate source of authority. Ultimately the source is either man as god or the God of creation. Ultimately it produces arbitrary values and laws that change with societal moods or transcendent laws and values that provide stability.

Over the past 50 years government schools have systematically taught values that leave the child with no sustaining fixed points of reference from which to gauge his or society's actions. Often these values contradict what the child is taught at home. Thomas Sowell, economist and senior fellow at the Hoover Institute, illustrates this when he questioned anecdotally the 12 years process of teaching a child sex education. His conclusion was it doesn't take that long; however, "it takes years and years to wear down the values they were taught at home and lead them toward wholly different attitudes." The government school's catechism of values clarification, sex ed., death ed., and all its other eds have been a deciding factor motivating families to choose home education.

Political and historical bias also play a roll in the home education choice. A 1989 study by The American Education Association found history textbooks missing the religious views and values that formed America. They failed to show the hard work, thinking, sacrifices and cost that went into producing this great nation. Another study funded by the National Institute of Education discovered, "the treatment of the past 100 years was so devoid of reference to religion as to

give the impression that it ceased to exist in America." The study went on to state that "religion, traditional values, and many conservative positions have been reliably excluded from children's textbooks." This is illustrated by a 4th grade history book in the Kyrene school district in Phoenix, Arizona. It teaches that the pilgrims celebrated Thanksgiving to give thanks to the Indians. A noble thought but not accurate history.

The American Textbook Council, in it's review of government schools' textbooks, found numerous distortions. These distortions painted the Communist Soviet Union in glowing economical, medical, educational and agricultural terms. Even Stalin was presented as an agricultural hero.

The Nobel economist Milton Friedman believes the reason students processed through government schools have such a socialist perspective is "they are products of a socialist system." He went on to explain, "How can you expect such a system to inculcate the

values of enterprise and competition, when it is based on monopoly state ownership?" These kinds of distortions, errors and biases have influenced the decision to home educate. More than one home school family have observed that it requires less time to home educate than it does to monitor and unlearn the negative influences of government schools.

The second reason motivating families to home educate deals with the school process. A fundamental tenet of the faith of institutional schooling and one which home educators take exception to is socialization. It is the most often asked question by the public and the number one criticism given by government educators and their unions. What institutional educators value most is one of the strongest reasons to home educate. Should parents be concerned about socialization?

Dr. Urie Bronfenbrenner, researcher at Cornell University, questions the myth of children as agents for socializing one another. He concludes that children who spend more of their free time with their peers than with their parents are inclined to become "peer dependent." It is this peer dependency that gives rise to promiscuity and antisocial behaviors. Dr. Bronfenbrenner goes on to explain that the more people there are around the child, the fewer the opportunities he has for "meaningful human contact." When considering the child's well-being, research shows that even a poor home is better than a good institution. How much truer this is in some of the gang, drug and violent school situations existing across our nation.

Furthermore, this antisocial behavior caused by group socialization has been observed by anthropologist Professor Beatrice Whiting of Harvard Graduate School. In her research of a pre-urban area of Nairobi she states ".In sum, our research indicates that interaction with large numbers of other children leads to an increase in both aggressive behavior and distractibility." Dr. E. Richard Sorenson, formerly with the Smithsonian Institute, observed this antisocial phenomena after the Peace Corps established institutional schools in remote areas of Micronesia. Such things as illegitimacy, drugs and alcohol addiction, poverty, and family break-ups became evident.

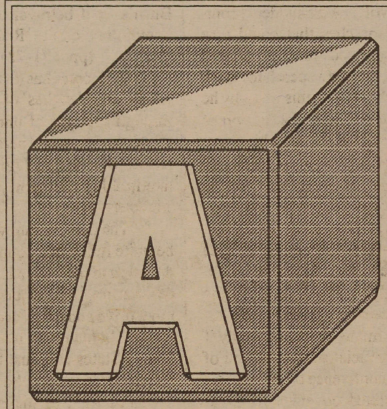
**I**n contrast, researchers Dr. Brian Ray and Dr. Wartes summarized a decade of studies on the socialization of the home educated child. Their conclusion was: home educated children demonstrate a high self-concept, they are socially and emotionally well-adjusted, involved in many activities that are predictors of adult leadership and they are consistently engaged in social activities with peers and adults.

In conclusion to the socialization issue, the Smithsonian recipe for raising children of genius and leadership identified three crucial ingredients, 1) loving, concerned parents, 2) children that spend "far more time" with their parents than their age mates, and, 3) time and freedom for the child to explore. Are home educators concerned about socialization? Yes! That's why many choose to home school their children.

Tom Lewis and his wife Colene have home schooled their three daughters for nine years. They are on the board of Arizona Families for Home Education (AFHE). AFHE is a nonprofit educational corporation that promotes and supports home education. AFHE sponsors the annual state home school convention and curriculum fair. The next convention is June 11, 1994, in Tempe, Arizona. The keynote speaker will be John Taylor Gatto, a three-time New York City Teacher of the Year and an advocate of educational reform and home education. Also, the convention will offer numerous workshops on how to home school. For additional information on home education, the state convention, or to arrange speaking engagements, call 941-3938.

*"We call our schools free because we are not free to stay away from them until we are sixteen years of age."*

*— Robert Frost*



*Is parental empowerment to be feared? Not at all! Countless research has shown home educated children both academically and socially out-perform their counterparts in government schools. Parental empowerment was well understood by our founding fathers. Thomas Jefferson said, "It is better to tolerate the rare instance of a parent refusing to let his child be educated, than to shock the common feelings and ideas by the forcible aspiration and education of the infant against the will of the father."*

## Bush Administration Confidential

**J**ust what happened to George Bush? In 1991, in the aftermath of Desert Storm, a second term was considered a virtual certainty. But in November of 1992, Bush would get less than forty percent of the vote in a defeat that was probably the most humiliating suffered by an incumbent president since William Howard Taft ran third in the election of 1912.

John Podhoretz, who briefly worked in the Reagan and Bush administrations, has written a new book about what went wrong. *Hell of a Ride: Backstage at the White House Follies, 1989-1993* is a highly interesting, often witty account of a presidency coming apart at the seams.

The basic problem, according to Podhoretz, was the fact that deep down, George Bush had no philosophy to guide him and his staff. He liked being president but had no idea of what to do with his presidency. Without core beliefs from the man in charge, the staff was making its way in the dark. Compounding the trouble was the infighting among aides and the fact that Bush and his chief lieutenants seemed determined to place mediocrities in important posts. Podhoretz describes the pathetic situation. "Even when there was a stated policy, written in stone, it was not necessarily followed -- don't forget 'Read my lips.' As a result, the Bushies had to reinvent the wheel every time a new issue came up. This was exhausting and made for ugly policy disputes ...that were basically pointless." (p. 163)

Podhoretz tells the sad story of the downgrading of the speechwriters' office. Press Secretary Marlin Fitzwater sold Bush on the idea that he didn't need to depend on speeches to get his message across; he could use press conferences and interviews. Bush liked the idea because he hated speechmaking. Chief of Staff John Sununu liked it because he thought the writers could emerge as potential rivals so he kicked them out of their spacious office, forbade them from eating in the White House Mess and cut their salaries. Bush had good people in the speechwriters' office, unfortunately "they had no power and their work had no authority. Reporters who covered the White House learned early on that they did not even have to attend presidential addresses because they offered not a clue

**HELL OF A RIDE:  
BACKSTAGE AT THE  
WHITE HOUSE FOLLIES,  
1989-1993**

By John Podhoretz

to policy." (p. 197) Of course, during the 1992 campaign, the neglected speechwriters were suddenly commanded to come up with speeches that could turn things around. Even then, these poor people could not win. One, Andrew Ferguson, drafted a speech for Bush that emphasized his trust in the people; this was why he supported school choice and opposed distribution of condoms in schools. However, Bush and his inner circle decided that the specifics were a bit much and decided to simply say that You Can Trust Bush. "In his vanity, Bush had taken a very clever libertarian message about taking power away from politicians... and turned it into his own smiley-face campaign." (p. 202)

Bush's war against press leaks did not help him. Although successful in stopping leaks, this had the contrary effect of little notice being given to his proposals. The media takes information more seriously if it has been leaked from an official source instead of formally unveiled at a press conference or the like. As a result, there was understated coverage of Bush programs. By contrast, the Reagan administration was masterful with leaks; the media knew when there was something in the air and would give the coming issue plenty of attention.

Bush's anxiety to avoid any controversy would do him great harm. "His refusal to take strong conservative stands ultimately created the Buchanan and Perot candidacies. And his conciliatory efforts toward Reagan's enemies only caused them to perceive and exploit his considerable weaknesses long before even he knew they were doing it." (p. 171) Podhoretz traces the cold war that existed between Reaganites and the Bush administration; the Right had never really trusted Bush and he cared little for Reagan true believers. Bush's 1988 calls for a "kinder and gentler nation" and his desire to be the "education" and "environmental" president quietly took issue with the Reagan record. Podhoretz notes that the administrations were quite different. "Reagan had cut tax rates and simpli-

fied the tax system. Bush agreed to tax increases and compromised the integrity of the Tax Reform Act of 1986. Reagan reduced government regulation; Bush doubled the number of regs....And George Bush's recessions and ineffective leadership allowed the Democrats to succeed in 1992 at something they had failed to do throughout the 1980s -- invalidating Reaganism in the eyes of the American people. It was Bush's final betrayal of his old boss, and the final humiliation of the Reaganites at the hands of the Bushies." (pp. 171-72)

Podhoretz has chapters titled "Freeze Frames" which are sketches of the Bush downfall as seen through the eyes of unnamed staffers. He tells their stories in the second person singular, suggesting to the reader what *Bright Lights, Big City* might have been like had Jay McInerney's hero worked for the Bush administration instead of an upscale magazine.

The book is funny, in a sad way. Podhoretz can be quite funny in recounting the turf wars and lack of direction in the White House. It is sad when you think of what might have been done had Bush possessed more drive and deeper convictions. It could have been worse; "a man with no core became president of the United States and, just to keep us safe, Communism collapsed and a psycho bully in Iraq with no decent airplanes tried to make a big war against our big military. Gives you a good reason to believe in God." (p. 230)

*Hell of a Ride* is very worthwhile reading. It is perhaps the 1990's answer to *The Palace Guard*, Dan Rather's and Gary Gates's book about the Nixon White House. In both books is the story of a presidency that carried the seeds of its own destruction. Podhoretz is a conservative but he does show a degree of respect for the libertarian view. In one of the "Freeze Frames", he writes of a White House staffer whose family has a libertarian tradition; "your grandfather was a rumrunner during Prohibition, and what was that but an attempt to evade needless government regulation?" (p. 99) When I first heard about this book, I thought it looked promising and aside from a slow start I was not disappointed. I doubt if we will be given a better explanation of how the Bush administration squandered so much good will in so short a time.

**B**ecause this is an outreach issue, I want to share with as many people as possible the true story of a family friend's evolution in thinking which finally brought him to favor the Libertarian position on the re-legalization of drugs.

My decision to write this article was spurred by a recent phone call to Libertarian Party headquarters from Nelle Thorne, a 78-year-old central Phoenix resident who is old enough to remember prohibition of alcohol earlier this century, and who knows that prohibition of drugs is, and always will be, a failed policy in the same way that alcohol prohibition was a failure. This brought to mind the recent conversions to the Libertarian Party of 83-year-old Mesa resident Eleanor Palmer Cordone and 77-year-old Ruth Hedwig Serra of Northeast Phoenix who also recall the futility of prohibition in the 1920s.

My husband has been friends for eight years with Eric, and on their lunch breaks at work they often talk politics. Eric agreed with most all Libertarian positions except drug re-legalization. His reasoning was: "Drugs aren't good for your body, and furthermore, I have a four-year-old daughter and I don't want her to have easy

## Drug Re-legalization, the FBI, and Rush Limbaugh

By  
Liberty Belle

access to drugs that could trap her into addiction later on." However, a series of events gradually led him to change his mind.

The first such event was the Reagan administration's "zero tolerance" policy, in which the government was able to confiscate ships, boats, automobiles, etc., if even a tiny amount of a controlled substance was found inside. What galled Eric about this policy was that confiscation takes place immediately, not after a jury trial or guilty verdict. "Whatever happened to presumption of innocence? Isn't that the centerpiece of

American jurisprudence, aren't defendants innocent until proven guilty in a court of law?" To add insult to injury, the government can seize the car, boat, etc., even though the registered owner was not present or otherwise involved with the presence of drugs at the time of the seizure.

Over the past eight years, Eric became aware that more and more high school and junior high school students were using drugs. "Where are they getting the drugs," he wondered. "Just what kind of person would sell drugs to children as young as 5th grade? How do they do this and why do they do it?" After looking into the question, Eric found the answer summed up in one word: Money.

Drug pushers are addicts themselves, and because drugs such as cocaine and heroin can cost an addict upward of \$200 per day, the addict must rely on the lucrative practice of glamorizing and selling drugs to other people, regardless of age, who are able to pay him. Because drugs are illegal, a one-day supply which would normally wholesale for \$3 will cost \$200 on the black market. Very few legal jobs pay enough to support a person with an addiction; therefore, the addict is forced

(Continued on next page)

onto the streets not only to sell drugs, but also to engage in other "big profit" activities such as burglary, armed robbery, prostitution and "pimping." Eric and everyone reading this knows our cities have literally become battlefields in recent years from violence related to drugs, gangs and their territories.

*Our cities have literally become battlefields in recent years from violence related to drugs, gangs and their territories.*

"How much of this would be happening today," my husband asked him, "if drugs could be sold for their actual wholesale value of \$3 per day? And think of all the overcrowded prisons and jails we could empty if addicts didn't have to resort to crime to support their habits. And think of all the money we could save on the FBI, the DEA, in the courts, in new jail and prison construction."

(It has been said that the need for the newly proposed federal courthouse in downtown Phoenix is a direct result of the increased case load from drug related arrests.)

Eric finally realized how much the "war on drugs" is actually costing the American taxpayers...a "war" we continue to lose each and every day.

In the meantime, Eric's daughter has had drug education in school every year since Kindergarten. When she was five, Eric helped her cut magazine photos for a poster collage called, "Hugs, Not Drugs," even though illegal drugs are still readily available to school children.

The real "war on drugs" must take place not on the streets with guns, police and drug agents, but instead, "in the heart," through education at school, church, on radio and television, and encouragement from family and friends within the local community to "stay clean."

The final phase of Eric's conversion to a belief in the necessity for re-legalization was the burglary of his house in the summer of 1992. Stolen were his VCR, microwave, tools, jewelry, and his gun collection. Eric was outraged -- drug-related crime had finally "hit home" in every sense of the word. At that point he realized that if an addict wants to continue his habit, he should be able to do so at the wholesale cost, rather than devastate an entire family and rip off the insurance company that covered the theft. He thought of the

burglar, "If all that you have learned about drugs in school, at home, in your community won't sink in, I, for one, would rather have you go to a legal clinic and get your day's fix... and leave all of us safe in our homes, at school, and in the streets."

The drug war will only get worse, not better. Just ask our elderly Libertarian ladies Eleanor, Ruth and Nelle.

□ □ □

Two recent FBI embarrassments:

First, the Randy Weaver fiasco in northern Idaho, wherein cowardly agents shot Weaver's 14-year-old son in the back, and killed his wife by shooting her in the face while she was holding their infant daughter. All this because Mr. Weaver didn't show up for a court date.

Then, the fiasco in Waco, Texas, last April when the FBI contributed to the incineration of 80 more people.

If you would like to see an outstanding documentary about the abuses of power by the FBI, may I suggest visiting your video store and renting "Incident at Oglala -- The Leonard Peltier Story." It deals with the FBI's "manufacturing" of evidence, lying, retracting statements -- all in an effort to "get" someone for killing an agent in the 1970s. It is, to put it mildly, a real eye-opener about our top law enforcement agency.

□ □ □

I must congratulate Rush Limbaugh for telling his listeners at least three times in the past year that jurors need not follow the judge's instructions when determining the guilt or innocence of a defendant. Rush correctly maintains that the jury can decide whatever it wants. I only wish he would expound on the idea so that potential jurors will more fully understand all of their rights.

I understand G. Gordon Liddy has also discussed this issue (called jury nullification) at length on his radio talk show.

For local information on this issue, and literature on drug re-legalization, call 248-8425.

## The Clintons' Health Plan

(Continued from page 5)

locked out of the job market. This is because the Clinton plan makes it illegal to offer or buy medical services outside the regional health alliance. "New criminal penalties" are established for trying to buy health care out of your own pocket -- including forfeiture of all your assets and prison terms. This provision of the Clinton plan is the one which eliminates real patient choices and ends the private practice of medicine. Under Clinton's plan I could not decide to offer laser surgery services by myself -- I would have to beg permission from the plan and/or the alliance. Similarly, under the Clinton plan you could not decide to pay for me to remove that awful tattoo you want off so badly. If tattoo removal is not allowed under the "basic benefits plan" (and it isn't) you couldn't get it done in this country. Period. Go to Mexico. Ross Perot is clearly wrong about the giant sucking sound likely to be caused by NAFTA. It won't be manufacturing jobs being sucked down to Mexico - it will be American patients forced into Mexico for medical care from Mexican doctors. Why not? Canadians have been forced into the U.S. by their socialized system for years.

Another interesting aspect of the President's Health Care Security Act is that it doesn't allow a plan to drop a patient even if the patient fails to pay his premiums. Thus, people will soon realize that they don't have to pay anything for the new health care card. Shortly thereafter they'll realize its worth exactly what they (don't) pay for it.

Several Nobel Prizes in economics were awarded to people who showed that no socialized system can ever provide goods and services in nearly the same abundance and variety as a market system can. This is simply because the few people who control the levers of the socialized system cannot possibly be as smart and well informed as the millions of people who make up the market. Two heads are better than one. Millions of heads are better still. Go to any country in the world where the production and distribution of food is socialized, and go into a food store. What little you'll find is exorbitantly priced. Mostly, its simply not available. At any price.

Now go into any neighborhood grocery store in the U.S. What you'll find is a huge variety of goods at reasonable prices.

Ask yourself: which store would you choose? The answer is obvious. And don't fall prey to the specious argument that health care is too vital to leave to market forces. On the contrary, food is more vital to life than medical care and we allow the market to provide us with the most lavish assortment of foods the world has ever seen. Similarly, if Clinton was really concerned about improving health care he should totally deregulate it and let consumers create an efficient market for medicine.

Clinton, however, is only interested in empowering himself and his party by making all of us dependent upon them.

The Clinton health care plan is the biggest welfare proposal in history. It brings an additional 14% of the U.S. GDP under the complete control of the government. In order to do this, it promises everything good, caring, and compassionate. What it will deliver, however, is health care as cheap as the Department of Defense, as efficient as the Post Office, and as compassionate as the IRS. It establishes a complete government monopoly on your medical care.

As a physician, I should welcome such a monopoly because, historically, great fortunes have been made by people willing to exploit government monopolies. It is no coincidence that Ross Perot made his initial billions by obtaining a government monopoly to process Medicare claims. His company was called Electronic Data Systems and its corporate history is enormously enlightening. Study it and you will see why big corporations love such "government-corporate partnerships".

However, even though I'm likely to personally profit from Clinton's health plan, I oppose it vigorously. I oppose it because it destroys the doctor-patient relationship which I cherish. When a patient now comes to me, and pays me directly, I am his advocate against all the forces arrayed against him. When I work for the "peoples health collective", I work for the government. My job becomes one of applying government policy to the patient - which usually means that I'm to find ways to deny care to my patients as a way to keep expenditures down. That's just not why I went to medical school. And it's not why you go to the doctor.

There is an old Scots' saying, "Who pays the piper calls the tune". We should keep that firmly in mind when we think about the Clinton health care plan.

### Moving?????

Please let the *Arizona Libertarian* know about your move -- and your new address -- 4 to 6 weeks ahead. The newsletter is not forwarded by the US Postal Service and can not be remailed to you by the newsletter staff. Furthermore, it costs the ALP additional postage to have the newsletter returned.

So that you don't miss out on an issue or two of *your* newsletter, and so we don't lose track of our valuable subscribers, please provide us with your address corrections as soon as you know about them!

Thanks.

"Free government is founded in jealousy and not in confidence; it is jealousy, and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power."

- Thomas Jefferson

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# Crossbows to Cryptography: Techno-Thwarting the State!

**T**here is a maxim -- a proverb -- generally attributed to the Eskimos, which very likely we have all heard, and while we probably would not quarrel with the saying, we might feel that it has become simply a cliché, that it has nothing further to teach us, and, perhaps, we are even tired of hearing it. I shall therefore repeat it now:

*If you give a man a fish, the saying runs, you feed him for a day. But if you teach a man how to fish, you feed him for a lifetime.*

Your exposure to the quote was probably in some sort of a "workfare" vs. "welfare" context; namely, that if you genuinely wish to help someone in need, you should teach him how to *earn* his sustenance, not simply how to beg for it. And of course this is true, if only because next time he is hungry, there might not be anybody around willing or even able to give him a fish, whereas with the *information* on how to fish, he is completely self-reliant.

But I submit that this exhausts only the *first order* content of the quote, and if there were nothing further to glean from it, I would have wasted our time by citing it again. After all, it seems to have almost a crypto-altruist slant, as though to imply that we should structure our activities so as to maximize the benefits to such hungry beggars as we may encounter.

But consider: Suppose this Eskimo doesn't know how to fish, but he does know how to hunt walrus. You, on the other hand, have often gone hungry while traveling through walrus country because you had no idea how to catch the damn things, and maybe they even ate a lot of the fish you could catch. And now suppose the two of you decide to *exchange information*, bartering fishing knowledge for hunting knowledge. Well, the first thing to observe is that a transaction of this type categorically and unambiguously refutes the Marxist premise that every trade must have a "winner" and a "loser" -- the idea that if one person gains, it *must necessarily* be at the "expense" of another person who loses. Clearly, under this scenario, such is not the case. Each party has gained something he did not have before, and *neither has been diminished in any way*. When it comes to exchange of *information* (rather than material objects) life is *no longer a zero-sum game*. This is an extremely powerful notion. The "law of diminishing returns," the "first and second laws of thermodynamics" -- all those "laws" which constrain our possibilities in other contexts -- no longer bind us! Now *that's anarchy of a new and exciting kind!*

Consider this possibility: Suppose this hungry Eskimo never learned to fish because the ruler of his tribe had decreed fishing illegal. Because fish contain dangerous tiny bones, and sometimes sharp spines, he tells us, his rulers have decreed that their consumption, and even their possession, are too hazardous to the people's health to be permitted...even by knowledgeable, willing adults. Perhaps it is because citizens' bodies are thought to be tribal property, and therefore it is the function of a ruler to punish those who improperly care for tribal property. Or perhaps it is because his ruler generously extends to competent adults the "benefits" provided to children and to the mentally ill: namely, a full-time, all-pervasive supervisory conservatorship -- so that they need not trouble themselves with making choices about behavior thought physically risky or morally "naughty." But, in any case, you stare, stupefied, while your Eskimo informant relates how this law is taken so seriously that a friend of his was recently imprisoned for years for the crime of "possession of nine ounces of trout, with intent to sell."

Now you may conclude that a society so grotesquely oppressive as to enforce a law of this type is simply an affront to the dignity of all human beings. You may go farther and decide to commit some portion of your discretionary, recreational time *specifically* to the task of *thwarting this tyrant's goal*. (Your rationale may

By CHUCK HAMMILL



be "altruistic" in the sense of wanting to liberate the oppressed, or "egoistic" in the sense of proving you can outsmart the oppressor -- or very likely some combination of these or perhaps even other motives.)

But, since you have zero desire to become a martyr to your "cause," you're not about to mount a military campaign, or even try to smuggle in a boat load of fish. However, it is here that technology -- and in particular *information* technology -- can multiply your efficacy literally a hundredfold. I say "literally" because for a fraction of the effort (and virtually none of the risk) attendant to smuggling in a hundred fish, you can quite readily produce a hundred Xerox copies of fishing instructions. If the targeted government, like present-day America, at least permits open *discussion* of topics whose *implementation* is restricted, then that should suffice. But, if the government attempts to suppress the *flow of information* as well, then you will have to take a little more effort and perhaps write your fishing manual on a floppy disk in an encrypted form, say, or buried in an unexecuted portion of the machine language code of a computer game. The recipient can readily extract the information with his own computer (once he knows the secret), but any unwelcome tribal snoop will learn nothing.

Technology -- and particularly computer technology -- has often gotten an undeserved bad rap among lovers of freedom. We tend to think of Orwell's *1984*, or Terry Gilliam's *Brazil*, or the proximity detectors which kept East Berlin's slave/citizens on their own side of the border, or the sophisticated bugging devices Nixon used to harass those on his "enemies list." Or, we recognize that for the price of a ticket on the Concorde we can fly at twice the speed of sound, but only if we first walk through a magnetometer run by a government policeman, and permit him to frisk us and paw through our belongings if it beeps.

But that mind-set is a serious mistake! Before there were cattle prods, governments tortured their prisoners with clubs and rubber hoses. Before there were lasers for eavesdropping, governments used binoculars and lip-readers. Though government certainly uses technology to oppress, *the evil lies not in the tools but in the wielder of the tools.*

In fact, technology represents one of the most promising avenues available for recapturing our freedoms from those who have stolen them. By its very nature, it favors the bright (who can put it to use) over the dull (who cannot). It favors the adaptable (who are quick to see the merit of the new) over the sluggish (who cling to time-tested ways). And what two better words are there to describe *any* government bureaucracy than "dull" and "sluggish"?

One of the clearest, classic triumphs of technology over tyranny was the invention of the "Personal Weapon," the man-portable crossbow. With it, an untrained peasant could now reliably and lethally engage a target out to fifty meters -- even if that target were a mounted, chain-mailed knight. (Unlike the longbow, which admittedly was more powerful, and could get off more shots per unit time, the crossbow required no formal training to utilize. Whereas the longbow required elaborate visual, tactile and kinesthetic coordination to achieve any degree of accuracy, the wielder of a crossbow could simply put the weapon to his shoulder, sight along the arrow's shaft, and be reasonably assured of hitting his target.)

Moreover, since the only mounted knights likely

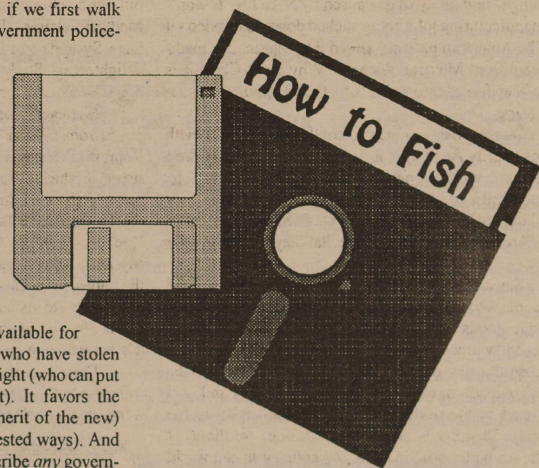
to visit your average peasant would be government soldiers and tax collectors, the utility of the device was plain: With it, the common rabble could defend themselves not only against one another, but *against their governmental masters*. It was the medieval equivalent of the armor-piercing bullet, and consequently, kings and priests (the medieval equivalent of a Bureau of Alcohol, Tobacco and Crossbows) threatened death and excommunication, respectively, for its unlawful possession.

Updating now to the present, the Personal Computer (with a public-key cryptographic system running on it) represents an equivalent quantum leap -- in a *defensive* weapon. Not only can such a technique be used to protect sensitive data in one's own possession, but it can also permit two strangers to exchange information over an insecure communications channel -- a wire-tapped phone line, for example, or even a radio broadcast -- without ever having previously met to exchange cipher keys.

With a five-hundred dollar computer you can create a cipher that a multi-megabuck CRAY X-MP can't crack in a year. Within a couple of years, it should be economically feasible to similarly encrypt voice communications; soon after that, full-color digitized video images. *Technology will have made wiretapping obsolete! More generally, it will have totally demolished government control over information transfer!*

The most promising of these encryption schemes seems to be the RSA algorithm, after Rivest, Shamir and Adelman, who jointly created it. It involves some reasonably heavy mathematics (prime numbers, modulo arithmetic, the "little Fermat theorem") to formally establish, but the gist is that if one is provided with the product of two very large prime numbers, then it is computationally infeasible to derive the original two prime factors from analysis of their product. "Computationally infeasible" means that if each prime number has about 200 digits, then the most powerful computer now in existence will require more than a *century* to factor their 400-digit product.

By converting one's message to a "number" (even something as simple as A=01, B=02, ..., Z=26 will do), and then performing the appropriate mathematical transformation upon it, a new number is generated which represents the encrypted message. The recipient then



performs a similar transformation upon this number to recreate the original message.

What makes this a groundbreaking development, and why it is called "public key cryptography", is that I can *openly publish* two numerical parameters which will permit anyone to send me an encrypted message, while keeping secret a third parameter so that *no one but myself* can decrypt such a message. The previously difficult step of exchanging cipher keys in person has been eliminated. So people who would find it impossible or inexpedient or dangerous to physically meet may still reliably exchange encrypted messages -- each party having selected and disseminated his own two public parameters, while simultaneously maintaining the se-

(Continued on next page)

## Crossbows to Cryptography

(Continued from page 15)

crecy of his own third parameter.

Another benefit of this system is the notion of a "digital signature," to enable one to authenticate the source of a given message. By performing an extra encryption step involving my secret parameter -- and requiring the receiver to take an extra step involving my public parameters after encrypting it -- then it can be proven that the message received *could not have been sent by anyone but me!* So not only do we have reliable secure message transmission over an anonymous, unsecured communication channel, we can also positively authenticate the sender of every such message!

Of course, these are exactly the concerns that tormented the former Soviet Union and which continue to torment governments in many countries today. On the one hand, they recognize that American schoolchildren are growing up with computers as commonplace as sliderules used to be -- more so, in fact, because there are many things computers can do which will interest (and instruct) 3- and 4-year-olds. And it is precisely these students who *one generation hence* will be going head-to-head against their deprived counterparts. For any government to hold back must be as suicidal as continuing to teach swordsmanship while your adversaries are manufacturing rifles. On the other hand, whatever else a personal computer may be, it is *also* an exquisitely efficient copying machine -- a 25-cent floppy disk will hold upwards of 50,000 words of text, and can be copied in a couple of minutes.

If this weren't threatening enough, the computer that performs the copy can also encrypt the data in a fashion that is all but unbreakable. Remember that in the former Soviet Union publicly accessible Xerox machines were unknown. The relatively few copying machines were controlled more intensively than *machine guns* are in the United States.

Today's political "conservatives" contend that we should not sell personal computers to communist countries, because they could put them to military use. "Liberals" assert that we *should* sell them, in the interests of mutual trade and cooperation -- and anyway, if we don't make the sale, there will certainly be some nation willing to.

As a libertarian cyberpunk, I claim that we should probably give them to the communists for free, and if necessary, *make them take them ... and if that doesn't work, maybe we should load up an SR-71 Blackbird and air drop them over Moscow in the middle of the night. Paid for by private subscription, of course, not coercive taxation....*

I confess that this is not a position that has gained much support among members of the conventional left-right political spectrum, but, after all, in the words of one of *Illuminatus's* characters, we are *political non-Euclidean*s: The shortest distance to a particular goal may not look anything like what most people would consider a "straight line." Breaking totalitarian governments' *monopoly on information* is tantamount to breaking the back of its ability to oppress. Computerization will enhance the freedom of every man, woman, and

child on the planet -- and will do so without overtly or covertly firing a shot!

We recognize that history has been shaped by people with names like Washington, Lincoln, ... Stalin, Nixon, Marcos, Duvalier, Noriega, and the like. But we should recognize that it has also been shaped by people with names like Edison, Curie, Marconi, DeForest and Wozniak. And this latter shaping has been *at least* as pervasive, and not nearly so bloody.

In his book *How I Found Freedom in an Unfree World*, Harry Browne makes the telling point that the probability of success of any venture is inversely proportional to the number of people who must be persuaded in order to bring it about. So while it may be an impossible task to persuade government to abolish the practice of censorship and wiretapping, *it is a trivial task to employ encryption technology to abolish it ourselves!*

Looking around us, additional applications of *technarchy* to solve what would otherwise be political problems immediately suggest themselves: The

Saudi Arabian who wished to enjoy the illegal psychoactive drug *alcohol* would be much wiser to study the chemistry of fermentation and distillation than to spend time lobbying his rulers to repeal the Islamic laws against it. And the East German who would rather have been a West German was better served by studying the aerodynamics of hang gliders or balloons than by wishing or begging for an exit visa.

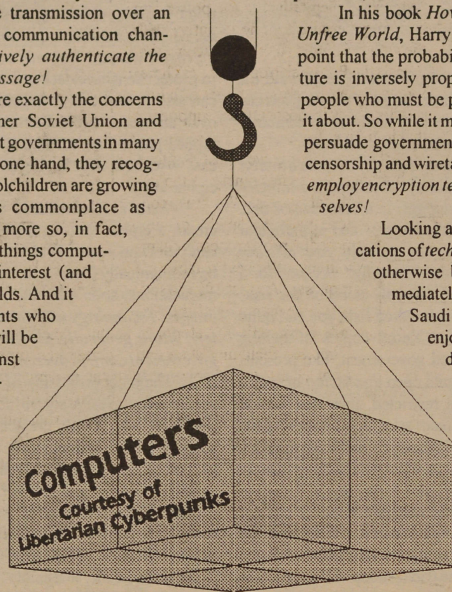
Not for nothing was the Wild West's .45 revolver called "the equalizer." It enabled the most petite dance hall girl to defend herself against the burliest roughneck cowboy. (Some say the "gun control" movement was born when it was realized that it also allowed her to repel aggression by the government-armed sheriff, but that's another

story.) The personal computer is today's "equalizer" in terms of *information and idea processing*, not brute force.

As nanotechnology provides the peripherals, any thing composed of any substance will be buildable in *anyone's garage* once the thing and substance have been modeled mathematically. As a result, governments will no longer be able to outlaw things or substances -- and will be forced back into the only legitimate role they ever held: that of protecting citizens against others who aggress against them. *The tiger will be caged, for good and all!*

Consequently, the next time you gape in astonishment and outrage at the antics of those who claim to be your "leaders," and think, "Well, if 51% of this nation, and 51% of this state, and 51% of this city have to wise up before I'll be free, then somebody might as well cut my f---ing throat now, and put me out of my misery!" -- recognize that *the situation is not nearly that bleak*. Technology -- and particularly computer technology -- can help you to *unilaterally make yourself free!*

So, as we slip through the final decade of what Timothy Leary so aptly calls the Roaring Twentieth Century, every day makes it more apparent how much truth is contained in his admonition: "If you're wise...digitize."



**As a libertarian cyberpunk, I claim that we should probably give [computers] to the communists for free, and if necessary, make them take them ... and if that doesn't work, maybe we should load up an SR-71 Blackbird and air drop them over Moscow in the middle of the night. Paid for by private subscription, of course, not coercive taxation....**

## Brady Bunch exposed at local gun show

By RICK TOMPKINS

The "madhouse on McDowell" was hopping on Dec. 11 & 12, at the Crossroads of the West gun show. Several regular attendees said they had never seen people buying firearms and ammunition with such feverish intensity. Similar stories are coming from gun stores all over. What do you think is causing it? Couldn't be that "the gun-grabbers are coming," could it?

Many people seem to agree that, as the Robin is the harbinger of spring, so the "Brady bill" (now, the "Brady law") is only the first of a coming trend of violations of our right to own and bear arms.

We were at the show to promote the LP, get signatures on the concealed carry petition and the FIJA petition, and register voters. We did a lot of all those things, and had fun in the process. People were lined up six across and 3 and 4 deep much of the time, signing the petitions, picking up literature, talking and registering to vote.

One of the displays we had was a listing that Mike Dugger brought of all the members of the U.S. Congress, with the Republicans who had voted for the Brady Bill highlighted. It was titled at the top, "The Brady Bunch." There are 54 of them! Think of that, you silly people who still think that the Republican Party will help you retain your rights.

There is only one political party that stands solidly behind the 2nd Amendment, and that is the Libertarian Party. The Rs and Ds sold out long ago, and you know it. Don't you think it's time to take action that will work? Continuing to be registered with any party that does not defend your rights is self-defeating behavior and, in many cases, just habit. Think about it!

### Suggested Reading List

#### NON-FICTION

- The Declaration of Independence*  
*U.S. Constitution and the Bill of Rights*  
*Libertarianism in One Lesson*,  
David Bergland  
*The Law*, Frederic Bastiat  
*Selected Essays on Political Economy*,  
Frederic Bastiat  
*Restoring the American Dream*,  
Robert Ringer  
*For a New Liberty*, Murray Rothbard  
*Freedom, Feminism and the State*,  
Wendy McElroy, Ed.  
*Economics In One Lesson*, Henry Hazlitt  
*Ethnic America*, Thomas Sowell  
*Losing Ground: American Social Policy, 1950-1980*, Charles Murray  
*In Pursuit: Of Happiness and Good Government*, Charles Murray  
*The State Against Blacks*, Walter Williams  
*Capitalism: The Unknown Ideal*, Ayn Rand  
*The Fatal Conceit*, F. A. Hayek  
*Free To Choose*, Milton Friedman  
*The Machinery of Freedom*,  
David Friedman  
*Cutting Back City Hall*,  
Robert W. Poole, Jr.  
*Healing Our World*, Dr. Mary Ruwart

#### FICTION

- The Fountainhead*, Ayn Rand  
*Atlas Shrugged*, Ayn Rand  
*The Moon is a Harsh Mistress*,  
Robert Heinlein  
*The Probability Broach*, L. Neil Smith  
*Tom Paine Maru*, L. Neil Smith



# Fighting to decrease the size and cost of government

By GARY FALLON

Republican and Democratic politicians want more government. And their track record proves it. At the federal level, Presidents Reagan, Bush, and Clinton each had the honor of signing one of the three largest tax increases in the history of our country. The Federal Register gets thicker by the inch, and federal spending grows daily. Every Congressperson in Washington, D.C., has compromised your liberty in favor of some well-intentioned government program.

Unfortunately, all the members of

the Arizona Legislature and the Governor have the same addiction to plunder. For example, the State of Arizona's per capita spending has more than doubled since 1980 and has gone up every year since 1984 (see chart). Also, the legislature has imposed more than 3,500 new laws in the last ten years (averaging 357 new regulations annually). Unlike the Republican members of the U.S. Congress, Arizona's Republicans can't point any fingers at Arizona's Democrats. Republicans have controlled Arizona since 1980.

Furthermore, neither the Arizona

Republicans nor Democrats can blame the Arizona Libertarians for the massive increases in government legislation and spending. *The Maricopa County Libertarian Party* formed the Legislative and Initiative Committee to introduce ideas into state policy that will actually decrease spending and stop the unnecessary proliferation of laws. Four initiatives were filed, each reducing the power and size of government. The initiative with the greatest public support is the one that repeals the Personal Property Tax. Therefore, with our limited resources, the Libertarian Party is most actively supporting this initiative.

Unfortunately, we must contend with more than the machinery of the political parties. We must contend with the apathy of supposedly pro-business organizations. We sent a facsimile request in August 1993 to seventy-five members of the Arizona Economic Development Directory including state and local chambers of commerce and other "pro-business" groups, yet when asked for their support to repeal the personal property tax, none replied.

Nonetheless, the initiative is gaining wide-spread support from small and me-

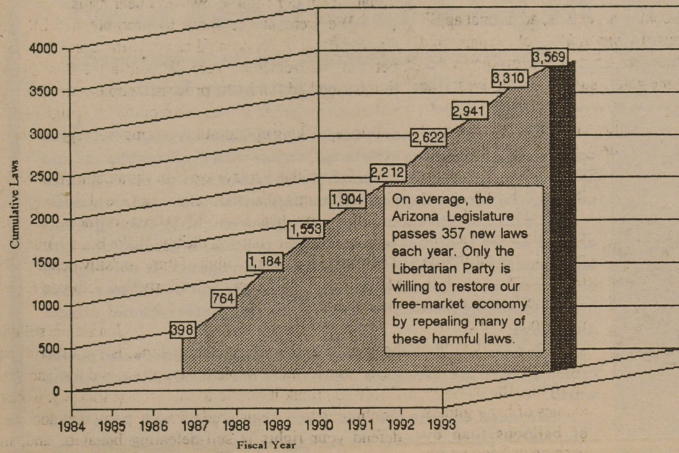


**Gary Fallon, Chairman**  
Legislative and Initiative Committee,  
Maricopa County Libertarian Party

dium-sized businesses. Thus, we have gotten the attention of the legislature. But, in typical fashion, the legislature has corrupted the intent of the initiative. It is considering phasing out the tax but it wants to replace it with other taxes. These proposals simply circumvent the intent of the Libertarians when we introduced this initiative. TRUE REFORM WILL NOT OCCUR until the state reduces per capita spending and eliminates unnecessary laws.

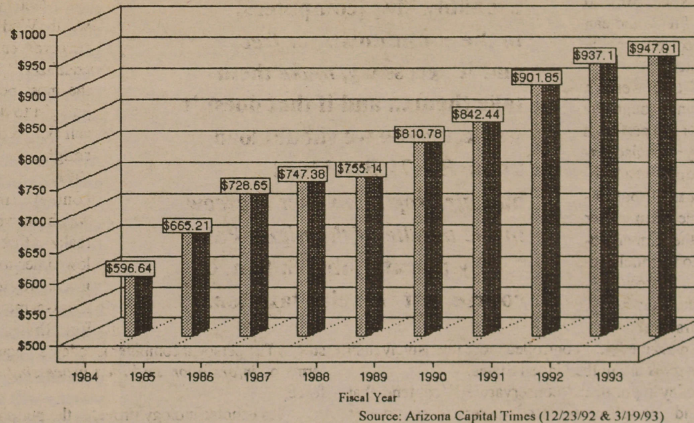
## New Arizona Laws, 1984-1993

Ten Years of Excessive Regulation



## State Spending Per Capita

Based on General Fund Spending, 1984-1993



Arizona's personal property tax penalizes the investment in, and ownership of, personal property. For instance, if you buy a car, the state requires you to pay a sales tax and an annual personal property (registration) tax based upon the value of your car. The greater the value of the car, the higher the assessed value, and therefore, a higher cost for owning the car. If you choose not to pay the registration tax, the government has the option of impounding your vehicle.

Another example. If you own a business, the state requires you to pay a tax based upon the value of the personal property owned by the business. Items such as computers, phones, copiers, supplies, and even leased or rented equipment are just a few examples of what the state considers personal property. Based upon the original cost and age of the taxable personal property, the county assessor assigns an assessed value on which the business is then taxed. Unlike an income tax which taxes a business after it earns a profit, the personal property tax is applied regardless of whether or not the property contributes to a company's profitability. In essence, this tax practice penalizes risk and discourages economic growth.



Arizona Libertarian Party State Chairman Rick Tompkins (r) registers another new Libertarian at the Arizona State Fair, October 14 - 31.

# The Arizona Libertarian Party



## **Make a Real Difference in Arizona politics -- Register Libertarian now!**

For your convenience, we have enclosed  
a mail-in voter registration form.

When just 7,500 more people register Libertarian, we will have continuing ballot status in Arizona, on par with the Republicans and Democrats. When that happens, we will have earned much greater coverage by the media, and will be listened to with more respect.

It is time to introduce principle to government. We can't get that as long as we continue to support the political organizations that have brought us all the existing folly and arrogance. It will happen only when we begin electing people who are not bound by special interests, but are instead dedicated to doing what is rational, ethical and moral.

We need people who are loyal, not to party insiders and power brokers, but to the principles which made our country the best in the world.

We need to support and elect people who will keep their campaign promises. Show me a Republican or Democrat who has done so.

It will not require a Libertarian majority to accomplish wonders in bringing our government back to sanity. Once it becomes clear that enough voters are willing to back candidates that run on principle, the others will fall all over themselves to jump on our bandwagon. Never forget that unlike Libertarians, they are most interested in being in power, and will do almost anything to stay in office.

You say you like most of what Libertarians are about - BUT? Are there some of our ideas which trouble you? That is one of the most compelling reasons for you to join us.

After all, can you honestly say that there are not some things about your current party's ideas that trouble you? And more importantly, what is their record as far as practicing what they preach?

What you should do is join us so that you can enter the debate. Show us where we are mistaken. Show us that your ideas make better sense, will have better long-term results, and do not violate the rights of others, and we will embrace that.

By joining us, moreover, you send the most powerful message possible to your old party. It is through competition that the most worthy will survive, and by removing your support from them, you will cause the fastest, and most meaningful, change.

**So join with us in restoring  
the American dream for all.**

**Register Libertarian, now.**

And, if you can, volunteer your time  
and/or money to the cause of liberty.

And subscribe to the  
Arizona Libertarian

# Letters to the Editor

## Longing for the good-ol'-days Editor,

I am writing to compliment you on the content of your newsletter, and on the quality of writers who contribute. I especially appreciate the articles by Vin Supryniewicz, Rycke Brown, and "pundit" Mike Dugger. The quality and content of their writing is competitive with any other news source in Arizona, and I look forward to continuing my subscription.

One question: At the risk of giving myself away as an old-timer, I'm wondering what ever happened to the wonderful "Sybil Liberty"? I really used to enjoy her sense of humor.

Dunc Ankunz  
Phoenix

*The Editor replies: It's funny you should ask! This very issue has a personal ad seeking any information which would lead to the whereabouts of Ms. Liberty. It seems there is someone out there who would very much like to contact her. If she is found, rest assured that we will attempt to convince her to return to our pages.*

## Fed Up in Phoenix Editor,

Let me see if I've got this straight:

1. According to the Goldwater Institute study you quoted in your November issue, private schools provide education superior to that of the tax-funded public schools, at much lower costs.

2. The same article indicated that there are 10 non-teaching employees for every 15 teachers in public schools, and only 10 non-teaching employees for every 40 teachers in private schools.

3. *The Arizona Republic* recently reported that the public schools send kids they can't handle (those with problems such as physical handicaps and other "special needs") to private schools at taxpayer expense.

4. The public school supporters claim: A. That the reason they can't provide better education for our kids is that we don't give them enough of our money, and, B. That it is "bad" to use tax money for private schools.

What's wrong with this picture?

Those who can't tell what's wrong, are surely among the victims of public schooling.

Martin Johnson (fed-up tax victim)  
Phoenix

## All Talk Editor,

Mike Dugger's article in the December issue about the Waco madness prompts me to ask what the Libertarian Party has done, or is doing, about this outrage visited on innocent people by our government? Sometimes it seems that you guys are mostly talk, and not much on action.

*The Editor replies: Since I've never seen you at any of our meetings, and the Treasurer has no record of any contributions from you, Mr. Watkins - who the hell are you to complain?*

Dennis Watkins  
Mesa

## Suspicious (paranoid!) in Patagonia Editor,

Sometimes while reading your Letters section, I get a nasty feeling that some of them don't really come from readers, but that you make them up! Pleeceeease -- nobody is as stupid as some of these guys sound.

Karen E. Nglish  
Patagonia

*The Editor replies: Just who do you think you are? How dare you bring into question my journalistic integrity?*

# "Classified"/Personal Ads

Congratulations and best wishes for success with your newly expanded newspaper!

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### Free Supper?

TANSTAAFL, you fool!

The F.R.E.E. (Food, Reason, Economic Enlightenment) Supper Club meets monthly on the first or second Thursday, at the Spaghetti Company in Scottsdale. The group, composed of radical free thinkers who are doctors, accountants, lawyers, businessmen, stockbrokers, various political junkies, and even a few "normal" people, all interested in freedom, has a different issue for discussion each month, with a designated moderator. For more info, and a possible invitation to attend one of the dinners, call Rick at 930-1268.

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### REWARD!!!!

for any information which will lead to the discovery of the whereabouts of reporter Sybil Liberty, last heard from in September of 1983, after interviewing Joseph Sherick, the Pentagon's inspector general, about the Pentagon's purchase of clay hammers for \$435 and \$15 switches for \$200. Phone "Kathy" at 930-1268 if you have any clues.

If you're not a little bit uncomfortable with your position, it isn't radical enough.

How can you be TOO principled?

Take the most extreme position you can - you're claiming territory you won't have to fight for later, mostly with your "allies".

- L. Neil Smith

Author: *The Probability Broach, The Crystal Empire, Henry Martyn, and (forthcoming) Dallas*

### ANNUAL RATES

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CALENDAR

All regular monthly meetings are open to the public; all State Executive Committee meetings are open to registered Libertarians

January

8 Yavapai County Libertarian Committee meeting (second Saturday of odd-numbered months). Usually held at the Prescott Library at 10:00 a.m. Call June Boudette at 567-5857 for confirmation.

11 Southeast Valley meeting (second Tuesday of each month). Tempe Public Library, 3500 S. Rural Rd., Tempe.

11 Pima County Libertarian Committee meeting (second and fourth Tuesday of each month). Mountain View Restaurant, 1220 E. Prince, Tucson. Dinner at 6:00, meeting at 7:00.

15 Yavapai County Libertarian Committee meeting (third Saturday of odd-numbered months). Held in Verde Valley at 2:00 p.m. Call June Boudette at 567-5857 for details.

18 Maricopa County Libertarian Com-

mittee meeting (third Tuesday of each month). The Spaghetti Company Restaurant, 1418 N. Central Ave. (Parking in rear) Dinner at 6:00 -- all orders should be placed by 6:30, business meeting at 6:15, and program at 7:00.

19 Yuma County Libertarian Committee meeting (third Wednesday of every month). Chairman Tim Urell's medical office, 1812 S. 8th Ave., Yuma, 6:00 p.m.

19 Coconino County Libertarian Committee meeting (third Wednesday of every month). Luncheon meetings will be held at various locations. Call Michael Voth at 774-5322 for locations.

25 Pima County Libertarian Committee meeting. (See above for details.)

27 Northeast Valley Subdivide & Conquer meeting (fourth Thursday of each month). Paradise Valley Community Center, 17402 N.

40th St., Phoenix, 7:00 p.m.

February

8 Southeast Valley meeting (see above for details).

8 Pima County Libertarian Committee meeting. (See above for details)

15 Maricopa County Libertarian Committee meeting. (See above for details)

16 Coconino County Libertarian Committee meeting. (See above for details)

16 Yuma County Libertarian Committee meeting. (See above for details)

22 Pima County Libertarian Committee meeting. (See above for details)

24 Northeast Valley Subdivide & Conquer meeting. (See above for details.)



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