

# California Libertarian News

The Newsletter of the Libertarian Party of California

Volume IV, Number 11

February 1990

## JURY NULLIFICATION

### It's an Ace in the Hole

Gary S. Mardut

Our founding fathers, those who wrote our Constitution, understood that some day we might be faced with a tyrannical government that would attempt to purge our constitutional rights. They had an ace in the hole for that circumstance. They understood that a jury could not be forced to convict anyone of a crime if at least one juror was convinced that the accused was being tried under an unfair law, or an unfair application of the law, and held out for acquittal. This effect is called "Jury Nullification," because it allows juries to "nullify" bad or unpopular laws.

Although judges nowadays usually refuse to allow juries to be told about their power of jury nullification, the principle and the power still exist. Judges usually tell juries that they may consider only the "facts of a case," and must accept the judge's conclusions about any law in question.

But as recently as 1972, in *U.S. vs Dougherty*, the U.S. Supreme Court held that the jury has an "unreviewable and irreversible power. . .to acquit in disregard of the instruction on law given by the trial judge. . .the pages of history shine on instances of the jury's exercise of its prerogative to disregard instructions of the judge; for example, acquittals under the fugitive slave law."

Although the Supreme Court continues to recognize and affirm the power of juries to acquit if they disagree with the law being used to try a defendant, the Court has also decided that judges no longer have to tell jurors of their right to judge the law itself. Worse yet, the Court has ruled that defense attorneys who reminded jurors of this right can be cited for contempt of court.

The principle of jury nullification is incredibly important now, with national, state and local consideration of confiscatory gun laws. The issue will be coming to a head because patriots in 20 states are currently working on constitutional and statutory initiatives to require juries to be informed of their power to judge the law. This is called the Fully Informed Jury Amendment (FIJA).

Today, juries have the full and unquestioned power to bring in a verdict of acquittal in the face of the law, the facts, and

the wish of the trial judge, simply because the members of the jury believe the defendant is being tried under an unjust law, or a law unjustly applied. Any one conscientious juror can hold out for acquittal and "hang" a jury (deny conviction) for this reason alone.

This power of jury nullification may well become the final peaceful barrier between constitutionally law-abiding gun owners and a tyrannical government bent on disarming the non-criminal public. When confiscatory gun laws are passed, no single person can be convicted or punished under those laws without the full agreement of twelve out of twelve of the gun owner's "peers" serving on his jury. If these peers understand their power to judge the law, convictions will be unlikely.

From *Northwest Shooting News*, December, 1989. Gary Marbut is President of the Montana Rifle and Pistol Association.

*continued on page four*

### Taking the Initiative

Inside this newsletter are two petitions, one for Operation New Broom, the Terms Limitation Initiative, which would limit legislators to two terms in the same office; the other is from the Second Amendment Committee of Hanford (see last month's *CLNews*). The Terms Limitation Initiative was endorsed by the excom at its meeting in November, a shorter version of the Second Amendment's was unanimously approved by the Convention in San Diego in 1988. It has been updated to include references to recently passed legislation.

Information on where to send filled-out petition forms and obtain new ones are on the forms themselves. Roger Bloxham has agreed to be the contact in Orange County for both Operation New Broom and the Second Amendment Committee. His number is (714) 642-2002.

Bills are in the legislature to limit access to the Initiative Process. Even if they fail at this session, they'll be reintroduced. We should take full advantage of our right to draft, circulate, and sign petitions—while we can.



# News and Events from the Regions

## Reminder on Desert Bills

The hearing on the so-called Desert Protection bills is scheduled for Saturday, Feb. 10 in Los Angeles, but the location is still not announced. The purpose of the hearing is to gather testimony on legislation pending in Congress: S 11 (Cranston) and H.R. 780 (Mel Levine, D-Santa Monica). The bills would declare 8.8 million acres of land to be wilderness and off-limits to all but backpackers.

*CLNews* profiled these bills in July and reported on the hearings in December and last month. Details were also given on who to contact if you wish to testify (check *CLNews* for January). It's important that opponents turn out in force. You can be sure the other side will be there.

Contact Steve Pencall at (818) 281-8322 for updates on scheduling and other details.

## Here and There

**TULARE COUNTY:** Over two dozen people came to the Jan. 18 dinner meeting at the Daleys' home. It was the biggest ever Libertarian-sponsored event for the Tulare Co. LP. Even the press showed up, and there was front page coverage in the Valley Section of the *Fresno Bee*. Roy Kendall reports that folks stayed till after midnight, and Vicky Daley's lasagna buffet was terrific! Dave Johnson was elected the new chair; he can be reached at (209) 733-8179.

**NEVADA COUNTY:** Libertarians are meeting the first Saturday of each month at the home of Gary and Maxine Dusseljee, 505 Factory St., Nevada City. Their home phone is (916) 265-6557; office, (916) 478-1776. "I'm doing this because I have three small children. I've become worried about the kind of world they'll be growing up in, and I want to do something about it," says Gary. "I've started pushing libertarian ideas all over Nevada County."

**ALAMEDA COUNTY:** Citizens United on Taxes (CUT), the libertarian outreach group, is revving up to oppose a local \$15 million bond measure in Hayward. The supposed reason for the measure is "seismic construction" of the 11-story city hall, but it's pretty evident that the LOOT (leaders of our town) want a whole new city hall built at another location. CUTters are writing the argument against it for the ballot handbook and organizing voter opposition.

**SAN MATEO COUNTY:** At their Jan. 10 meeting, Peninsula Libertarians unanimously reelected Lyn Sapowsky-Smith, former LPC HQ manager, as chair of the San Mateo County LP; and also reelected her as excom representative

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Please send regional news, calendar items, photos, non-member subscriptions (see below), and other material to:

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for an unprecedented tenth term. Says Lynn, "This year I'm taking it easy. I'm treasurer for only half a dozen candidates, reactivating the local LP, being a candidate myself, and looking toward a prosperous decade of growth in the LP."

**REGION 61 (San Fernando Valley):** At their January meeting, Region 61 members passed a resolution condemning the spraying of malathion over huge areas of Los Angeles. They will be taking this to the Convention for delegate approval. Ann Jackson of Region 62 is the Libertarian contact on this issue, and can be reached at (213) 837-2048.

**REGION 67 (Norwalk):** About a dozen Libertarian activists and allies were on hand at a community forum sponsored by Senator Alan Cranston on Drugs, Gangs and Violence. Cullene Lang (Reg. 66) and Clark Marley (Reg. 65 chair) were able to ask questions and make a couple of statements. Clark observes that while most of his remarks drew "nods of approval" from the audience, "the idea of legalization bothered them."

## Look Out for Uncle Phantom

Have you ever felt robbed by Uncle Sam? A new video by Dwayne Walker is the tale of an average taxpayer, sweating over his tax forms, who has a nightmare that Guess-Who is burglarizing his apartment.

*Uncle Phantom* is meant to be a 10-minute ice-breaker for party meetings," says creator Swayne Walker. "Anyone who has felt robbed by Uncle Sam should get a kick out of it."

*Uncle Phantom* flyers are available as April 16 approaches. If you'd be interested in premiering *Uncle Phantom* at your group, contact Dwayne at (213) 675-7016.

## Convention News

### Platform and Bylaws Changes

If you have any ideas you want immortalized in the Bylaws or Platform, mail them to the chairs of the appropriate committee. For the Platform, that's Ted Brown, 125 N. Allen, No. 107, Pasadena, 91106; for Bylaws, Mike Iddings, 499 S. Fifth St., San Jose, 95112.

### Contest for Chair

**George O'Brien Announces:** San Francisco activist and Nat-Com member George O'Brien has declared his candidacy for chair of the LPC, challenging incumbent John Vernon for that position. George is a small business management consultant whose job is to solve organizational problems, and he sees his role as that of a "facilitator of activism and involvement."

George writes: "If elected, my emphasis will be on communications, conflict resolution, problem solving, and a participatory style in decision making. My primary concerns include maintaining ballot status, improving our financial strength, increasing membership and finding ways to help people become more effective."

George has worked in the LP for 21 years, serving on the LPC executive committee the past three years. He was vice-chair of the Illinois LP and national secretary and campus organizer of Students for a Libertarian Society. For several years he has run Free Exchange, a potluck supper club. For more information, George can be contacted at (415) 731-3031.





**February 16 - 19, 1990**  
**The Libertarian Spectrum**  
**Libertarian Party of California Convention**  
**Hanalei Hotel,**  
**2270 Hotel Circle North, San Diego 92103**

*Convention Registration Form*

**MENU SELECTIONS** If you are ordering any meals we need your selection. The meals listed in the chart offer a choice.

Saturday's lunch is buffet style of golden fried chicken or roast round of beef, you make your decision at the buffet line. If you have special diet needs (such as vegetarian), please list them.

Name \_\_\_\_\_ Phone \_\_\_\_\_

Title (for name tag purposes) \_\_\_\_\_

Street \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Total Enclosed \_\_\_\_\_ [ ] Full Payment [ ] 20 % deposit  
 The remainder is due upon arrival. Full refund upon cancellation up to one week prior to the convention.

Please mail to: **Libertarian Promotions**  
**P O Box 3395**  
**San Diego, CA 92103**

**Or better yet CALL: (619) 291-6233**

CONVENTION PACKAGES	
ABSOLUTELY EVERYTHING	\$210
ALMOST EVERYTHING	155
all meals, debates, and Friday night	
EVERYTHING FOR EATING DELEGATES	140
EVERYTHING EXCEPT FOOD	100
FRIDAY EVENING FESTIVITIES	15
BREAKFASTS (program only \$5)	20
LUNCHEONS (program only \$5)	24
BANQUETS (program only \$12)	55
WORKSHOPS/DEBATES/LECTURES	5 each

<b>Saturday Banquet</b>
<input type="checkbox"/> Pacific Mahi Mahi fillet
<input type="checkbox"/> Roast Loin of Pork Cantonese
<b>Sunday Luncheon</b>
<input type="checkbox"/> Beef Stroganoff
<input type="checkbox"/> Breast of Chicken Picatta
<b>Sunday Banquet</b>
<input type="checkbox"/> Prime Rib of Beef Aus Jus
<input type="checkbox"/> Boneless Cornish Game Hen
<b>Monday Luncheon</b>
<input type="checkbox"/> Cold Meat Plate
<input type="checkbox"/> Chinese Combo, Chicken /Beef

\* \* *Convention Highlights* \* \*

Saturday Night Banquet  
 Academy Award Winner **DR. HAING S. NGOR**  
 "Human Rights Violations in Cambodia"

Sunday Night Banquet  
 Cartoonist and Humorist **STEVE KELLEY**

**RUSSELL MEANS**  
 "The Road to the Arizona State House"

**WALTER POLOVCHAK**  
 "The Littlest Defector"

**AUSTIN MILES** "Don't Call Me Brother -  
 A Ring Master's Escape From the Pentecostal Church."

**RICK NADEAU**, Greenpeace Action  
 "1990's: Decade of the Environment"

**MICHAEL EMERLING**  
 "More Freedom In An Unfree World;  
 Beyond Harry Browne"

Chocolate Buffet & Libertarian Panel

Samuel Adams Society Annual Luncheon

Heavy Political Action on Convention Floor

Plus Marshall Fritz, Dick Boddie, Norma Jean Almodovar, David Bergland, Alicia Clark, Steve Alexander, Mary Gingell, Robert Poole, Faye Girsh, Ed Clark, Shi Xiaguang, André Marrou, Lowell Ponte, John Hosford, Bill Philips, Peter Irons, Eric Garris, Joe Mielke, Tom Tryon, Bob Subers, Mark Salo, Peter Barry, Roberto Martinez, Lee Phelps, Ted Costa, Jane Cartmill, Dale Gieringer, plus . . .

From Advocates for Self-Government, Reason Foundation, Hemlock Society, Animal Advocates, NORML, Second Amendment Foundation, California Domestic Ferret Association, Chinese Students Association, Planned Parenthood, American Friends & Service Committee, ACLU, ACTIV, plus . . .



## From the Editor

Due to a number of pending changes in my life I have decided to resign as editor of the California newsletter. Contracts are reviewed at the excom meeting after the convention, so this will give the chair, who ever the delegates chose, time to line someone up. I am also willing to put together next month's issue if necessary—so that the membership is not left without a newsletter.

I wish at this time to say thank you to the many people who have helped me over the past four years. First, and above all, to my dear friend **Henry Leon (Bob)**, who created the wonderful graphics: mushrooms, seismic graphs, roses and bouquets, eagles carrying messages, Norma Jean at her computer with threatening hands clutching at her, etc. Almost every issue Bob came up with artwork just for *CLNews*.

For typesetting, thanks go to **Lawrence Samuels** of Athena Graphics, who let me use his typesetting equipment, and provided paper and chemicals at minimal cost.

Then there is the crew of hardy volunteers who have helped put out the mailing each month: folding, collating, stapling, labeling. Thanks to **George Abraham, Ellen Baker, Sylvia Barton, Waheed Bocter, Janet Brown, Ted and Laura Brown, Lawrence and Michelle Goldberg, Cullene Lang, Steve Malmburg, Clark Marley, Don Meyer, Dave and Edna Nichols, Steve Pencall, Harry Spillman, John and Gabbi Tuttle, John Vernon, Dave Wilson**—and any others I may have overlooked.

Last, but certainly not least, thanks should go to all the Libertarians who actually made the news: activists, officers, candidates—that's what a political party is all about. Because of all the activities, I never had to look for "filler" and other copy. There was always so much news I had more than I could report in just six pages. It's been great working with you.

—Sarah E. Foster

## Jury Nullification

from page one

California is one of the states where FIJA is being readied for the ballot. In 1982, through the efforts of LP activists Larry Dodge (Montana) and Jim Lorenz (now San Diego chair), the delegates at the Convention in endorsed the principle of jury nullification and approved a platform plank to this affect.

Today, Larry is conducting the ambitious nationwide campaign which would get each state to pass a Fully Informed Jury Amendment which would mandate that the jury be informed of this right at the beginning of a trial. He writes that he will be working full time on this from now till November as FIJA Field Representative.

Marion MacEwen of Alameda County has been coordinating the California drive. An initiative has been drafted, and as of press time is on its way to the Attorney General's office for a title and approval of the wording. She is looking for someone to take over as state coordinator once it's been approved and signature gathering starts. Also, a fundraiser is needed. Any volunteers?

For a copy of the initiative and more information, Marion is at 24828 Canyon View Ct., Hayward, 94601; (415) 889-9216. FIJA headquarters is Box 59, Helmville, MT 59843. National Coordinator Don Doig can be reached at (406)793-5550; Larry Dodge at (406) 793-5703.

*CLNews* was among the first publications—Libertarian or otherwise—to break the news about the News Election Service (NES) and its intended blackout of election night coverage. Just weeks before the Nov. 1988 election we learned that NES, which is a consortium of the the major television networks, was planning to skew election night coverage by reporting the votes of only Democratic and Republican candidates. Third Party candidates would be ignored, and votes cast for them would simply be added to the total for the Republicrats.

Your editor upon learning of this promptly called NES headquarters in New York and tried talking with Robert Flaherty, the chief honcho there. He accused me of "wasting his time" and slammed down the receiver.

Presidential candidate Ron Paul fared little better, but at least got an audience with the great man. "Let's say I get a third of the votes, Dukakis gets a third and Bush gets a third. How would you report that?" Ron asked.

When Flaherty, with a straight face, said, "I'd report it 50-50 for Dukakis and Bush"—Ron burst out laughing. "That's ridiculous," he cried, and Flaherty's temper flew through the ceiling.

The story of the election night blackout is being told. Margaret Fries, an attorney in New York state, wrote a terrific account ("A Conspiracy of Silence," *Liberty*, May, 1989), telling the history of NES, what it does, and how it has grown from a possibly acceptable idea (in 1964, TV networks agreed not to compete in the collecting and reporting of votes) into a fully developed monster that not only maintains a government approved and sanctioned monopoly on news reporting, but actually provides some election boards with incomplete information to hand along as their own, pending the official canvass.

Recently, 1000 members of the Society of Professional Journalists (SPJ) meeting in Houston, Texas passed a resolu-

## Helping Ou John

I've had the pleasure of spending the last two Saturdays (it'll be four Saturdays by the time you receive this—all of January), knocking on the doors of registered Libertarians to ask them to sign my nomination papers and those of two other candidates for public office. Besides getting signatures on these required documents, I've also signed up new members and registered some new voters.

But strangely enough, from time to time, I encounter someone who, though registered Libertarian, makes it very difficult for Libertarian candidates to get on the ballot. Two years ago, there was the man who screamed at me and said I was lucky I wasn't dead for daring to step on his property! Last Saturday, I was told to go away by someone who identified himself as a day-sleeper (he hadn't had the sense to put up a sign to the effect on his front door). So you see, Libertarian candidates are not always welcomed with open arms by those who have checked the Libertarian box on the registration form.

Due to the fact that as many as 30-40 percent of the names on our lists are no longer at the address shown, our candidates and their volunteers must spend as much as one hour just to find one signer at home. And while it is sometimes possible to call in advance to arrange appointments, only about ten percent of the names on the lists can be found in





tion that "...the News Election Service inaccurately reported in the 1988 election that the votes for Democrats and Republicans represented 100 percent of all votes cast," and resolved that the 80th Convention of the Society of Professional Journalists recommend "that the News Election Service change its election reporting policy to reflect more accurately the voting percentages in any national election."

Other publications are picking up the story. Santa Clara County chair Steve Alexander was interviewed for a feature article in the San Jose *Metro*, (Dec. 14-20).

"It's a frightening situation," Steve told *Metro*, "It seems un-American to be allowed to participate in the democratic process, but then be denied any recognition of that." Also, "It's hard to understand. . . It's not as if it's the liberal media, because they do this to liberal, conservative and libertarian candidates from third parties. It's as if NES has an establishment bias." *Metro* noted that Robert Flaherty did not return phone calls.

Meanwhile, NES has announced it will form a single, central "exit polling" service as well. These polls are the networks only other source of election night voting information, and the networks have always competed in compiling the data. This competition is a check against possible error and fraud in the polling, but that safeguard will soon be gone.

"This sounds like another NES monopoly in the making," said Margaret Fries. "Who knows what it will choose to report."

## r Candidates

Vernon

the telephone book. When you consider that some of our candidates must come up with 150 signatures to avoid the filing fees, it's clear that getting on the ballot is a formidable task and one that is due the cooperation of our membership.

Soooooooo. . . . when one of our candidates comes by your house, please don't tell him or her that you have a headache and don't feel like signing—or that you have to think about it and can the petition be left there so you can send it back when you get around to it? State law requires that it be signed in the presence of the petitioner, and candidates are given only a few forms, which cannot be legally be duplicated.

Our candidates give a lot, and there is far too little compensation for their efforts. Please do your best to make this part of the job a little easier.

I would also like to add my comments to those of Bruce and Marion in urging you to sign the enclosed petition for the Terms Limitation Initiative, and the one for the Second Amendment Committee to save our gun rights. While I urge you to circulate these among your friends and collect a full page of signatures, I hope you will at least sign your name and return them to their sponsors. Your help in these efforts would be greatly appreciated.

John Vernon is chair of the Libertarian Party of California.

## Yes on Operation New Broom

Last month in "The Sounding Board," *CLNews* published a letter by ballot access authority Richard Winger, disapproving of the Terms Limitation Initiative because "it violates the right of a voter to cast a ballot for the candidate of his or her choice." Richard pointed out that Libertarians "are among the chief victims of other limitations on the voter's right to vote for candidates of their choice." Here, two Terms Limitation supporters present an opposing point of view.

**From Bruce Daniel, Coauthor of the Initiative**

In his letter challenging the Terms Limitation Initiative, Richard Winger equates the idea of restricting the number of terms a person may hold public office with restricting a person from gaining access to the ballot in the first place.

But the two issues are not comparable. The Operation New Broom initiative in no way limits anyone from being a candidate for public office; it simply says no one can serve in the same office more than two terms. There is a lot of difference between the fact that the people in Indiana were not permitted to vote for Ron Paul for president and the fact that the Twenty-Second Amendment to the U.S. Constitution, had he won, would have limited him to two terms in office.

The simple truth is that liberty is under relentless attack as never before by powerful, organized, well-funded people who control the reins of government. This will not change until principled Libertarians are in office. Contested seats for open offices would give more opportunities for Libertarians to succeed politically—both from a legislative perspective as well as educationally during the heat of campaigning.

This was a major reason I organized Call to Action, a libertarian political action committee, and have spent a full year working to bring to pass the Limitation of Terms Initiative called Operation New Broom.

Bruce and Lee Phelps, coauthors of the Initiative, got a great writeup in *Insight* magazine for Jan. 22. Contact Bruce at (916) 652-5801 for more information about Operation New Broom and additional petition forms.

**From Marion MacEwen, Alameda County**

Let us not miss the point of the Terms-Limitation Initiative, that its purpose is to limit government. This is the very principle on which our country was founded and the reestablishment of that principle is the Libertarian movement's main objective. Remember that this initiative was conceived and written under the guidance of long-time libertarian activists.

Originally, in this country, the power of government was in the hands of the people. Even the president's power is limited to what he or she can accomplish in *two* terms—and this limitation was imposed when people recognized it was necessary. We should also keep foremost in our minds that representing the citizens of a district is not—or should not be—a full-time, career type job! It is not even a job, but a duty of sorts for anyone wishing to protect fellow citizens from harm. It is a method by which we keep our freedoms intact.

Voting privileges, or the lack of them, are issues we should attack as rights issues, and yes—as Richard challenges us to do—we should have in our own bylaws restrictions on just who is eligible to run as a Libertarian candidate and for how many terms. We should not confuse a principle with an issue. Limiting government is our purpose for being a political party. Our inability to vote for Libertarian candidates due to restrictive voting laws is only one of the barriers our candidates face—it is not a restriction on our basic principle that we must fight against. Voting rights are not absolute.

The Terms Limitation Initiative is one soundly libertarian initiative we can support. Let's work together—toward's liberty.



# The Sounding Board

In his literature Dennis Thompson, who has cast his hat in the ring for the LPC gubernatorial nomination, has written: "Libertarians are for truth in taxation. It is necessary that the government get its monies directly from its citizens in the form of income taxes and not indirectly through devices like business taxes, property taxes, sales taxes, etc."

That statement prompted Gene Berkman, proprietor of Renaissance Bookservice in Riverside, to write the following letter to the editor. *CLNews* is running Gene's letter, not to disparage Dennis, but to provide a forum for discussion before the Convention.

A big part of the job of being a candidate is to tell people just what Libertarianism is. It's important that LP candidates are able to present our position on various issues—this is especially so if the candidate runs a high-profile, high-visibility campaign as Dennis is planning to do.

It is possible for a candidate to take a stand in opposition to a plank of the Platform and still be a credible candidate. Ron Paul had this problem vis-à-vis his stand on abortion, which he opposes. When discussing this issue, he presented not only his own point of view, but stated the Party's position, as well. Perhaps Dennis would be willing to do the same.

As detailed in our National Platform, the official position of the Libertarian Party is in support of the Exclusionary Rule and unequivocal opposition to the Income Tax. Our endorsement of the Liberty Amendment, which calls for repeal of the Sixteenth Amendment, has been a formal part of the Libertarian Platform since the founding of the Party.—Editor

## To the Editor:

I recently received some campaign literature from Dennis Thompson, announced candidate for governor in the 1990 Libertarian primary, and I found several of his stated positions out of line with mainstream Libertarian views.

In his campaign statement on the subject of crime, Mr. Thompson proposes to "revise exclusionary rules. . .to allow for prosecution of discovered crimes." He also proposes that

the *Miranda* decision can be "modified so that voluntary, uncoerced confessions can be admissible as evidence and the ritual of reading the accused his rights not be obligatory."

These revisions, if implemented, would seriously compromise the rights to due process of those accused of crimes. The main beneficiaries of the Exclusionary Rule have been individuals arrested for violations of drug laws. Mr. Thompson does call for repeal of the drug laws, but while they remain on the books the Exclusionary Rule is a very important means of protection from the state.

Concerning taxes, Mr. Thompson says "it is necessary that the government get its monies directly from its citizens in the form of income taxes. . ." He plans to campaign for repeal of all taxes on business, as well as property and sales taxes. I certainly agree with Mr. Thompson's opposition to business, property and sales taxes, but the income tax is a particularly repugnant form of taxation because it punishes people for working and it enables the government to keep files on every individual of working age.

The 1990 elections are very important for the Libertarian Party of California. Continuing ballot status is dependent on the vote totals we can generate for our state-wide candidates. It is crucial that we nominate candidates who can attract the enthusiastic support of Libertarians throughout California. I for one would hesitate to support Dennis Thompson based on his statements on crime and taxes.

**Gene Berkman, Vice-Chair**  
*Libertarian Party Central Committee*  
*Riverside County*

## Now from Dennis

### Dear Editor:

The personal income tax is the largest source of revenue for Federal and California State governments, yet this has not stopped these bodies from taxing an ever increasing number of other products, services and wealth. There are so many taxes we have no idea or understanding how much government really costs.

Of all taxes, it is the personal income tax that is most widely accepted by the citizens (excluding Libertarians). Because it is part of the Constitution, when you attack the personal income tax, most non-Libertarians view this as an attack on the Constitution and the government itself—for they perceive that the government (with all its ills) is the source of valuable services, products, and stability. They have not come to the level of awareness that Libertarians have of this ongoing theft and the viable options that should be substituted.

When I call for "truth in taxation" and claim to support the personal income tax as the only tax, it is because I see it as a transitional phase on the road to Freedom. I believe that taxation is theft—all taxation, including the income tax. Stealing from Peter to pay Paul is wrong; however, the body politic must understand and believe this before it comes about.

Strategically, to end all taxation it is better to have one target to shoot at: the personal income tax. Its size will open the people's eyes and start them questioning the concept of taxation. But under our current political zeitgeist—the spirit of the times—if we got rid of the personal income tax, the powers that be would successfully implement other Draconian taxes such as the Values Added Tax. Moreover, the idea that government should get its money from the citizen directly, and that the citizen should pay directly for the government he gets, is a strong saleable concept.

Admittedly, the personal income tax is a source of onerous intrusion into our lives. However, even if it was eliminated the government would still be taking information on names and addresses, income, wealth, etc. for Social Security (ugh) and draft registration (ugh), to name two programs. Data bases from birth certificates, immigration, emigration, drives licenses, medical records, etc. are all being centralized for government and private use.

All taxes cause distortion in economic decision. However, the personal income tax is the only tax that cannot be shifted or bypassed; thus, in a theoretical sense (given taxes) this is a fair tax. Therefore, it is necessary that the government get its monies directly from its citizens in the form of income taxes and not indirectly through devices like business taxes, property taxes, sales taxes, etc. This connection must be emphasized: the state gets taxes, when you earn money, not because you have money or use your money in certain peculiar ways. Sales tax impacts most heavily on the poor and is unfair. Property tax is a tax on wealth, and wealth is an accumulation of income already taxed. Moreover, wealth is the capital with which investments are made an economic growth established. Business taxes are just another cost of production passed on to consumers—without that cost our goods and services would cost less and there would be more competition here in California and on the international market. We the citizens must pay the piper so that we can call the tune.

**Dennis Thompson**  
*San Diego County Central Committee*

Space does not permit for discussion about the Exclusionary Rule, but to learn about his views on this and other issues and for general information on his campaign, Dennis can be contacted at (619) 283-6213. His address is 3647 Fairmount Ave., San Diego, 92105.



# Bush Claims "Authority" for Information Blackout

Sarah E. Foster

In an article "NATO, the LP and the Constitution" (Dec. *CLNews*), I described certain dangers inherent in Article VI of the U.S. Constitution, which provides that a treaty, when ratified, becomes "the Supreme law of the land. . . anything in the Constitution or laws of any state to the contrary notwithstanding." Last month, in a piece about stopping the pending gun-grab, I called attention to the State Dept. booklet, *Freedom From War: The U.S. Program for General and Complete Disarmament in a Peaceful World* (Publication 7255)—which proclaims complete military disarmament and the disarming of the citizenry to be national goals. I also mentioned Public Law 87-297 (1961), which set up the machinery for achieving those goals.

A sudden, shocking move by President Bush necessitates still further comment and clarification on this matter. So, to continue: PL 87-297 established a U.S. Arms Control and Disarmament Agency, "with the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control and disarmament must be based. Under direction of the President and the Secretary of State, the agency (along with other obligations) would disseminate and coordinate public information concerning arms control and disarmament."

A particularly chilling part of PL 87-297 says:

Sec. 33: The Director [of the Agency] is authorized and directed to prepare for the President, the Secretary of State, and heads of such other government agencies, as the President may determine, recommendations concerning United States arms control and disarmament policy: Provided, however that no action shall be taken under this or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, *except pursuant to the treaty-making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States.*

Each year, as mandated by law, the Disarmament Agency has issued a report to Congress and a new law is approved to update PL 87-297. Up till now it has been somewhat possible to keep track of what the Administration is planning for us. Bush has now issued an edict, a kind of line-item veto, to change that.

On December 11, in a statement on his signing of the Arms

Control and Disarmament Act of 1989, HR 1495 (now in the U.S. Code as PL 101-216), President Bush wrote:

"... I believe, however, that one section of HR 1495 must be carefully construed to avoid constitutional concerns. Section 105 (b) of the Act requires that the U.S. Arms Control and Disarmament Agency disseminate information pertaining to arms control verification and monitoring, including information regarding current, proposed, perspective, and potential arms treaties. It also requires that the agency provide detailed information on such activities in its annual report to the Congress. *I shall interpret the language of this Act so as not to detract from my constitutional authority to protect information relating to treaty negotiation or other sensitive national security information.*"

Can you believe it! That is pure, grade-A political hogwash. There is *no* constitutional authority for "protecting" information on treaty negotiation by keeping it from the Congress and the citizens of this country. None. Presidential treaty-making power is to be exercised only "by and with the advise and consent of the Senate;" the Senate is not supposed to serve merely as a rubber stamp after deals have been cut. Since treaties are held to be the supreme law of the land, we have to be able to monitor the treaty-making process—particularly as it applies to disarmament. An informed citizenry needs *precisely* the kind of "detailed information" the President intends to keep from us. But an informed citizenry is the last thing Bush and his cronies would want.

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# LOCAL EVENTS AND CONTACTS

COUNTY	DATE	EVENTS	CHAIR or CONTACT*	PHONE
Alameda	Thu., Feb. 8	Candidate's Wine and Sign Party	Wayne Nygren	415/531-0760
Butte	Fri., Feb. 9	Potluck Dinner/Discussion (date tentative)	Jessica Strock	916/893-3836
Calaveras			Tom Tryon	209/736-4845
Contra Costa	Tue., Feb. 13	Bill Sullivan: Operation New Broom	Mike Rother	415/932-4993
El Dorado			Richard Akin	916/622-4785
Fresno			John Graham*	209/275-6220
Humboldt			Daniel Mosier*	707/822-7804
Inyo/Mono Counties		Call County Chair for Information	William Baucum	619/878-2288
Kern			Craig Gifford	805/832-6231
Lake/Mendocino/Napa Counties			Randall Grindle	707/994-4817
Los Angeles County (Regions 61-67)				
-61, San Fernando Valley	Wed., Feb. 14	Michael Bell: The Malathion Controversy (speaker tentative)	Geoffrey Neale	818/893-6884
-62, West L.A.	Thu., Feb. 15	Norma Jean Almodovar: Call-Girl to Prisoner	Bob Weber	213/204-0612
-63, Foothills	Tue., Feb. 20	Steve Pencall: The Desert "Protection" Bills	John Tuttle	818/242-5699
-64, Central L.A.	Wed., Feb. 21	Kai Chen: Tiananmen Square—a Personal Perspective	Don Meyer	213/463-5362
-65, Downey	Wed., Feb. 10	Get-together and General Discussion	Clark Marley	213/695-1979
-66, South Bay	Feb. 10 & 24	Philosophy Circle: Viability of LP, 2/10; Potluck, 2/24	Cullene Lang	213/595-6266
	Tue., Feb. 6	Jeff Hummel: Constitutional Fetishism (Albert J. Nock Forum)	G.J. Higgins*	213/285-8171
-67, E. San Gabriel Valley	Thu., Feb. 22	Dinner/Disc.: Convention Recap; Update on Petitioning	Gail Lightfoot	714/623-1117
Marin	Wed., Feb. 7	Movie Night: Call for Program Information	Bob Bickford	415/927-4814
Merced	Thu., Feb. 1	Libertarian Social Hour	Roy Shimp	209/723-1768
Monterey			Bob Ratto	408/424-9346
Nevada	Sat., Feb. 3	Discussion and Get-Together	Gary Dusseljee*	916/478-1776
Orange		No Meeting in February—See You in San Diego	Richard Martin	213/426-3069
Placer			Bruce Daniel*	916/652-5801
Riverside			Ron Holman	714/684-5218
Sacramento		Call Chair for Program Information	David Henderson*	916/922-9973
San Bernardino			Ed Moss*	714/986-6677
San Diego		LPC State Convention: February 16-19	Jim Lorenz	619/276-1776
San Francisco	Wed., Feb. 10	Video: Milton Friedman— <i>Who Protects the Consumer?</i>	John Whisman	415/923-3720
	Sat., Feb. 10	Panel Discussion on <i>Free to Choose</i> Series (Free Exchange)	George O'Brien*	415/731-3031
San Luis Obispo			Howard Dilbeck	805/466-1998
San Mateo			Lyn Sapowsky	415/368-8148
Santa Barbara	Thu., Feb. 15	Rod Sumner: Ideological Roots of Growth as Blight	Bob Bakhaus*	805/965-2741
Santa Clara	Feb. 14 & 15	Discussion Group, 2/14; Bus. Mting and Dinner, 2/15	Steve Alexander	408/554-1119
Santa Cruz			Tom Coughlin	408/458-2603
Solano			Mark Moberg*	707/864-1673
Sonoma			Jim Oglesby	707/894-2658
Tulare	Thu., Feb. 15	Matthew Gerawan: Anti-Gun Legislation	Dave Johnson	209/733-8179
Ventura	Tue., Feb. 13	Kai Chen: Tiananmen Square—a Personal Perspective	Aaron Starr	805/583-3308
Yolo		See Sacramento County	Bryce Bigwood*	916/758-6219

NEWS DEADLINE FOR NEXT ISSUE: THURSDAY, FEBRUARY 15

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