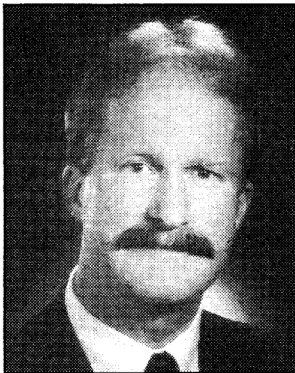




Welcome



“What do you know about the Libertarian Party”? Do you think Libertarians are communist, liberals, or the rich man’s anarchist?

I assure you that Indiana Libertarians are none of the above.

Libertarians do not preach a new political philosophy nor do we stand on a single impassioned issue. We champion the notion that the best political document of all time - the Constitution and its Bill of Rights - remains relevant, and without a political champion.

This edition of The Hoosier Libertarian focuses on our Bill of Rights. We’ll examine the reasoning the Founding Fathers used to create it, then point out how far our government has strayed from its original premises.

Our party has grown because we champion the best political product ever conceived.

In just the past year, Indiana Libertarians have tripled our party’s county affiliations. By the 2004 elections, our party infrastructure will be on a par with the Democrats and Republicans for the first time.

Nationally our membership has grown while registered Democrats and Republicans have declined every year since the late 1960s.

You are presently trapped within an evenly divided two-party system that represents only 40 percent of the voters. That’s right, the Republicans and Democrats are nationally deadlocked at 20 percent each. Do they really represent you?

I hope you’ll see the Libertarian Party of Indiana as dedicated Americans who advocate the very essence of being an American - the freedom to live responsibly.

Join us, together we’ll restore the “real” American values.

Mark W. Rutherford  
State Chair  
Libertarian Party of Indiana

# THE HOOSIER LIBERTARIAN

*Good People with American Values*

## Do we still have a Bill Of Rights? You decide

### We Stand Firmly Behind Our President

The savage attack on our country has undoubtedly brought us together in our resolve to defend ourselves and to prevent further assaults on our freedoms and way of life.

The Libertarian Party of Indiana stands firmly behind the President and supports his efforts and our nation’s efforts to do what must be done. We are confident his decisions and subsequent actions will result in swift and just success.

To the victims of these horrific attacks and to those who have sacrificed in countless ways to help them we say God bless you.

As Libertarians we fight for the values of the Constitution and its Bill of Rights. Today we know all too well the cost and the value of these marvelous documents. We will continue to assert our faith in people and their basic goodness.

God bless America.  
God bless you.

### Highlights of October Poll of LP Members

*As reported by the LP News*

- 94.8% Think the U.S. Gov’t should bring terrorists “to justice”
- 73.7% Support U.S. bomb and missile strikes at Osama bin Laden
- 68.8% Say Congress should declare war before attacking any nation
- 78.6% Think non-interventionism would reduce chance of terrorism
- 90.3% Oppose any national ID card proposal to fight terrorists

*More than 5000 people participated in this unscientific poll*

Why are Libertarians always talking about freedom and liberty? Aren’t we already living freely within the most prosperous and powerful country in the world? In this article we will examine the document that started it all, the Constitution and specifically the Bill of Rights.

We will reproduce each amendment along with the reasoning the founding fathers used when they drafted each right. Then we will point out how far we’ve come from what the guys in wigs intended.

The Bill of Rights is arguably the best political document of all time. We must decide just how far we can go before we risk going to far. On balance you should be able to at least understand why Libertarians are always concerned about Liberty and Freedom.

This isn’t the type of article you would normally see in the popular press. But this just may be the most eye opening and provocative read you’ve had in a long time. Is the Bill of Rights outdated? Draw your own conclusions.

### Amendment I

*Congress shall make no law respecting an establish-*

*ment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*

**Analysis:** Clever lawyers have finessed the complex construction of this amendment the way Satan made a good argument for prohibited fruit. Our federal lawmakers were expected to

### The Bill of Rights is arguably the best political document of all time.

keep their legaloid mitts off of religion, speech, the press, our freedom to meet in public, and our ability to hold government accountable. In today’s collective self-consciousness, the Founders were men who’d tremble at the idea of mentioning “God” and “government” in the same breath. The reality is quite different. Thomas Jefferson, often held up as the “Patron Saint of Church and State Separation,” proclaimed a day of religious Thanksgiving when he was governor but

refused to do the same as president of the United States. He wrote in an 1808 letter to the Rev. Samuel Miller: “I am aware that the practice of my [presidential] predecessors may be quoted. But I have ever believed that the example of state executives led to the assumption of that authority by the general government, without due examination, which would have discovered that what might be a right in a state government, was a violation of that right when assumed by another.” Back then, issues like the Ten Commandments on courthouse lawns, public displays of nativity scenes at Christmas and stars of David at Hanukkah were state issues and not matters for the Supreme Court.

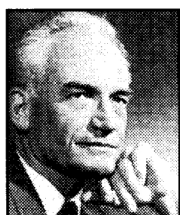
**Diagnosis:** Clearly, Congress has made laws! We’re laden with innumerable laws about religion, speech, the press, assembly and have you ever tried to sue the IRS? Clearly, the federalism of our Founders has become federalization, rights have become privileges and, in general, this amendment has been turned upside down and backward.

### Amendment II

*A well-regulated militia, being necessary to the of a*

*Continued, page 2*

## Libertarians trace history directly back to Goldwater



If Barry Goldwater were alive today, he undoubtedly would be a Libertarian.

The Libertarian Party was started in 1971 by a group of campaign workers from the 1964 Goldwater presidential campaign. Goldwater

lost the race, but he’s winning the war of ideas decades later.

The Republican Party would have done well to embrace Goldwater. They’ve gone as far as taking his credo and sold it to the Republican faithful. Unfortunately, they fail to live up that credo.

Goldwater’s platform called for

a flat tax, privatized many of governments’ functions and made Social Security voluntary. While some GOP candidates now espouse portions of this platform, they have done little to put them into practice. They’re afraid that, like Goldwater, their liberal opponents will tar and feather them.

Libertarians, like Goldwater, do not fear those who disagree with us, nor do we change to reflect the latest polls. Our stances today are the same as they were yesterday. They’ll be the same tomorrow.

Libertarians hold twice as many elective offices as all other third parties combined.

*Continued, page 3*

States, than according to the rules of the common law.

**Analysis:** Because in the 18th century, the right to a civil jury was generally understood to be defined by the rules of the various states, it is probable that the Founders included this amendment as a way of ensuring that if a state court was to use a civil jury in a common law case, then a federal court hearing that same case would also have to use civil jury. Thus, the

## The Fourth Amendment was born in the old English dictum "every man's house is his castle."

Seventh Amendment, along with the 10th, was James Madison's way of furthering the cause of federalism and state powers. The Seventh also maintains jury autonomy by prohibiting the re-examination of any fact found by a jury, even in cases that don't involve common law.

**Diagnosis:** The Courts have found some wiggle room in the matter of defining what exactly constitutes "common law", especially since that term reflected the division of the legal system into two separate jurisdictions and procedures, law (uses juries) and equity (doesn't use juries). Those distinctions were blurred by the adoption of the Federal Rules of Civil Procedure in 1938. On the whole, though, the guarantees of the Seventh are in relatively healthy shape for Constitutional rights.

### Amendment VIII

*Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*

**Analysis:** You're a 16th century Englishman convicted of treason. Your sentence is handed down: "You are to be drawn upon a hurdle to the place of execution, and then you are to be hanged by the neck, and being alive cut down, and your privy-members to be cut off, and your bowels to be taken out of your belly and there burned, you being alive; and your head to be cut off and your body divided into four quarters, and that your head and quarters be disposed of where his majesty shall think fit." Oh, the Eighth Amendment is a fine amendment!

**Diagnosis:** Somewhere in between ensuring that criminals' "privy-members" aren't cut off and allowing lawsuits filed by prisoners because their dinners were served with meat and veggies touching on the plate lies the essence of the Eighth Amendment, the idea that human dignity matters, and that we, as a civilized society, do not collectively treat the "worst" of us as anything less than human beings. Questions about this amendment, though, are very grave.

Does capital punishment in itself qualify as "cruel and unusual"? Or could the method of execution or circumstances make it so? Should it ever be allowed? If so, when?

### Amendment IX

*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.*

**Analysis:** The whole point of the Ninth Amendment is to warn readers not to assume that just because some rights are enumerated, the federal government has powers to act in other areas not enumerated! Just because the Bill of Rights recognizes that we have the rights to freedom of religion, the press, and to assemble, but doesn't mention a right to privacy, that doesn't mean that the federal government can infringe on any right to privacy we may have.

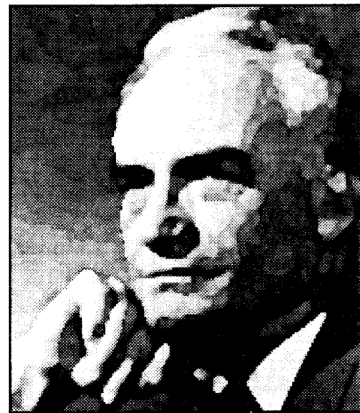
**Diagnosis:** The Courts tend to read this amendment as they will, depending on their political leanings. They can read it either as Madison intended, as a rein on governmental powers, or they can read it as a positive affirmation of the existence of other, unlisted rights. Or they can totally ignore it, and usually do.

### Amendment X

*The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.*

**Analysis:** This amendment pairs perfectly with the Ninth by making clear that Congress must show an explicit enumerated power before it can act, that the federal government has only the powers delegated to it, and that all other powers belong to the states or their people.

**Diagnosis:** Alas, poor 10th, we hardly knew ye! This amendment is in an advanced state of rigor mortis. The 14th Amendment, judicial decisions (such as that of Garcia vs. San Antonio Metropolitan Transit Authority, which held that the 10th imposes practically NO judicially enforceable limit on generally applicable federal legislation), laws of eminent domain, the IRS, ATF, DEA, NEA, OSHA, et. al., with their millions of pages of regulations and code, have destroyed this amendment beyond all recognition. Services will be held next Election Day. Instead of sending flowers, please vote Libertarian.



Barry Goldwater

## Goldwater...continued

### Goldwater: Government encroachment our worst foe

"Our tendency to concentrate power in the hands of a few men deeply concerns me. We can be conquered by bombs or by subversion; but we can also be conquered by neglect, by ignoring the Constitution and disregarding the principles of limited government. Our defenses against the accumulation of unlimited power in Washington are in poorer shape, I fear, than our defenses against the aggressive designs of Moscow. Like so many other nations before us, we may succumb through internal weakness rather than fall before a foreign foe.

"I am convinced that most Americans now want to reverse the trend. I think that concern for our vanishing freedoms is genuine. I think that the people's uneasiness in the stifling omnipresence of government has turned into something approaching alarm. But bemoaning the evil will not drive it back, and accusing fingers will not shrink government.

"The turn will come when we entrust the conduct of our affairs to men who understand that their first duty as public officials is to divest themselves of the power they have been given. It will come when Americans, in hundreds of communities throughout the nation, decide to put the man in office who is pledged to enforce the Constitution and restore the Republic. Who will proclaim in a campaign speech: 'I have little interest in streamlining government or in making it more efficient, for I mean to reduce its size. I do not undertake to promote welfare, for I propose to extend freedom. My aim is not to pass laws, but to repeal them. It is not to inaugurate new programs, but to cancel old ones that do violence to the Constitution, or have failed in their purpose, or that impose on the people an unwarranted financial burden. I will not attempt to discover whether legislation is 'needed' before I have first determined whether it is constitutionally permissible. And if I should later be attacked for neglecting my constituents; 'interests,' I shall reply that I was informed that their main interest is liberty and in that cause I am doing the very best I can.' "

From *The Conscience of a Conservative* by Barry Goldwater.

In 2000, the LP fielded candidates for 255 of the 435 seats in the U.S House as well as 25 of the 33 Senate seats up for election - the first time in 80 years that any third party has contested a majority of the seats in Congress.

The Libertarian Party organized in Indiana in 1980 it gained ballot access in 1994 and joined the Democrat and Republican parties on all ballots in Indiana. All other parties, including the Reform and Green parties, must petition each individual candidate they hope to run. That's why the Libertarian Party of Indiana calls itself the third party and all others fourth parties.

In 1996, the Libertarian Party of Indiana ran about 50 candidates. The party ran 89 candidates in 1998 and 117 in 2000.

The LPIN has tripled the number of affiliated counties since the 2000 elections. By the end of 2002, we will be on a par with the Republicans and Democrats in numbers of counties with organized affiliates.

"I have little interest in streamlining government or in making it more efficient, for I mean to reduce its size."

— Barry Goldwater

## Bill of Rights...continued

*security of a free state, the right of the people to keep and bear arms, shall not be infringed.*

**Analysis:** Some claim that the right is only reserved to "the militia". "Militia" is described by the Militia Act of 1790 as consisting of "every able bodied man of military age." To argue that this right belongs only to "the militia" is to argue that women and the physically challenged do not have the same rights as do able-bodied men of military age.

The words of the founders themselves, however, should dispel any myths about this most important right. From Thomas Jefferson

("No freeman shall ever be debarred the use of arms") to George Washington ("The very atmosphere of firearms anywhere and everywhere restrains evil interference they deserve a place of honor with all that is good") to Henry Lee ("To preserve liberty, it is essential that the whole body of people always possess arms"), to George Mason ("Who are the militia? They consist of the whole people, except for a few public officials...To disarm the people [is] the best and most effectual way to enslave them"), the Founders were unanimous in understanding that not only the right to bear arms, but every moral right, belongs to the people.

**Diagnosis:** If the United Nations, far too many Congresspeople, and the 100 or so "Million Moms" at their last rally had their way, this amendment would be long-gone and forgotten. And if that were to happen, we can kiss the rest of the Constitution goodbye.

### Amendment III

*No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.*

**Analysis:** OK, so nobody contests the meaning of this. With the notable exception of our nation's Civil War, this hasn't been an issue since the Revolution.

**Diagnosis:** We should remember that when it was an issue during the Civil War,

some soldiers did pretty much as they pleased with homes, their land and occupants. It could happen again if we don't firmly reclaim our Second Amendment. U.S. soldiers could be called to fight the War on Terrorism on our soil.

### Amendment IV

**"Militia" is described by the Militia Act of 1790 as consisting of "every able bodied man of military age." To argue that this right belongs only to "the militia" is to argue that women and the physically challenged do not have the same rights as do able-bodied men of military age.**

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

**Analysis:** The Fourth Amendment was born in the old English dictum "every

man's house is his castle." The meaning seems pretty straightforward 'til the lawyers get a hold of it. Lawyers say that one of the main legal controversies surrounding this amendment is, "... the question arises whether the Fourth Amendment's two clauses must be read together to mean that the only searches and seizures which are 'reasonable' are those which meet the requirements of the second clause, that is, are pursuant to warrants issued under the prescribed safeguards, or whether the two clauses are independent, so that searches under warrant must comply with the second clause but that there are 'reasonable' searches under the first clause which need not comply with the second clause."

**Diagnosis:** Apparently the idea that there are " 'reasonable' searches under the first clause which need not comply with the second clause" is winning out. Government surveillance projects such as Echelon and Carnivore, arrests for not wearing a seatbelt, attacks on medical privacy, loose definitions of "probable cause", the broad powers given to people such as Child Protection Service workers and Boards of Health inspectors to peruse your home, all these things have been allowed by the politicians we keep voting in and the judges they nominate and confirm.

### Amendment V

*No person shall be held to answer for a*

*capital, or otherwise infamous crime, unless in a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

**Analysis:** You have the right to remain silent. Anything you say can and will be used against you in a court of law. And you have the right not to be tried twice for the same crime, unless, of course, it's two different levels of government prosecuting you for that crime. In one of America's last nods to federalism, the Supreme Court upheld in United States vs. Lanza that, gee, Virginia, there really are two levels of sovereignty, at least when it comes to prosecuting you.

**Diagnosis:** The worst attacks against the Fifth Amendment spring directly from the RICO laws and the War on Drugs. Civil-asset forfeiture laws allow the government to take your car if your grandson were to get caught smoking marijuana in it. The government can take your cash, boat, trailer, whatever sort of property it believes may have been gained by or used in the commission of certain crimes. And because these are "civil" asset forfeitures, you don't get to have, as you would in criminal defense, a court-appointed attorney fight for you as you try to prove your property's innocence. No, this is not a misprint: your property itself is deemed "guilty" and the burden of proof is on you to prove otherwise!

### Amendment VI

*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and*

*district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.*

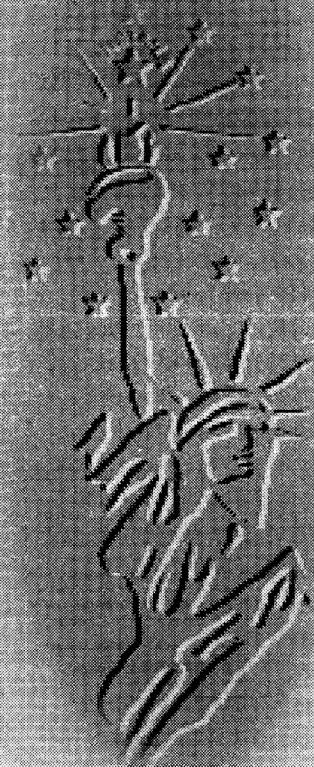
**Analysis:** First formalized in the Magna Carta and acknowledged in the Virginia Declaration of Rights of 1776, the right to a speedy trial in criminal cases made its way into our Bill of Rights to protect both the accused, who'd suffer public humiliation, potential loss of evidence for his defense, and the indignity of living on jail food 'til his trial ended, and society, which has to buy that tasty jail food and pay the jailkeepers.

The right to assistance of counsel in one's defense began as a right to obtain counsel in federal offenses only if one could afford it (or, ahem, find a free lawyer). Colonial and early state practices ranged from denying the right to retain counsel in felony cases while allowing it in misdemeanor cases to the more contemporary approach of appointing otherwise unaffordable counsel. It was only because of interpretations of the Fourteenth Amendment's assurance of "due process" and its application to the states that the Joe Fridays of the entire United States would come to warn: "You have the right to an attorney. If you can't afford an attorney, one will be appointed for you by a court of law".

**Diagnosis:** The same civil-asset forfeiture laws that threaten our Fourth Amendment also threaten the Sixth; once an accused person is deprived of his assets, it makes it hard to afford adequate counsel for his defense.

### Amendment VII

*In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United*



## Join the Libertarian Party of Indiana

The only way to bring about real political reform is to get involved and make it happen. So we'd like to invite you to get involved with the Libertarian Party.

Indiana's organization is highly regarded nationwide, and its members are among the highest ranking officials at the national level, including LP National Director Steve Dasbach of Fort Wayne and Vice Chairman Ken Bisson of Angola.

Closer to home, our ballot access means that our candidates are on every ballot in the state. We have official county affiliations in 30 of Indiana's 92 counties, and more counties are planning to organize. These county affiliations will recruit local Libertarian candidates, offering voters a real choice.

If you haven't already subscribed to our free email announcement list, please sign up at our website: [www.lpin.org](http://www.lpin.org). You'll receive our informative, often entertaining press releases as soon as they're issued.

When you sign up you will receive a free information package about the Libertarian Party.

You can also help by volunteering some of your time. Your county organization relies heavily on volunteers for election day and other events. We hope you'll pitch in.

Is the Libertarian Party for you? Have you decided to get involved? Then please, take a few moments and fill out the form below. Every national member counts toward our delegate count at the national convention to be held in Indianapolis in July of 2002.

Contact us at:  
 Libertarian Party of Indiana  
 3601 N. Pennsylvania St.  
 Indianapolis, IN 46205  
 (317) 920-1994  
[lpinhq@lpin.org](mailto:lpinhq@lpin.org)  
 Executive Director  
 Brad Klopfenstein

# World's Quickest Political Quiz

Take the WORLD'S SMALLEST POLITICAL QUIZ. Then use the Self-Government Compass to find your political position. Circle Y when you agree with a statement, M for Maybe, Sometimes or Need-More-Information, or circle N for No.

### Personal Issues

Military service should be voluntary. (No Draft)  Y  M  N

Television, radio, the press and the internet should be free from government censorship.  Y  M  N

Repeal regulations on sex for consenting adults.  Y  M  N

People, not government, should be in charge of what they put in their own bodies.  Y  M  N

People should be able to cross borders freely.  Y  M  N

SCORE: Add 20 for Y, 10 for M, and 0 for N

### Economic Issues

Businesses and individuals should operate without government subsidies.  Y  M  N

I would prefer to live in a free economy than in a government-controlled economy.  Y  M  N

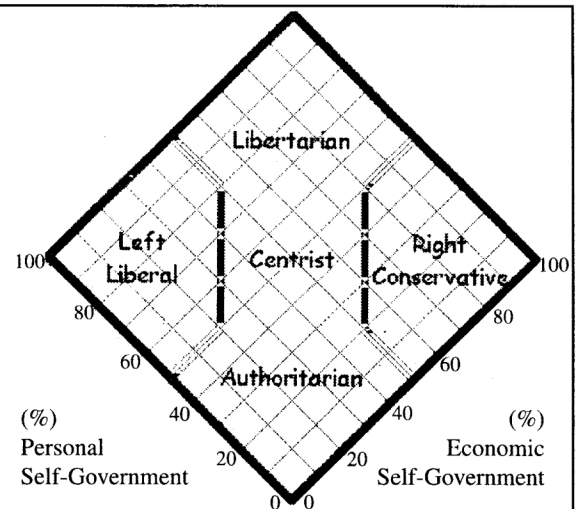
People should be free to work for less than government-mandated minimum wage if they want to.  Y  M  N

I prefer user fees to taxes.  Y  M  N

Foreign aid should be privately funded.  Y  M  N

SCORE: Add 20 for Y, 10 for M, and 0 for N

County Affiliates		
Name	County	Phone
Steve Kristoff	Franklin	(812) 934-4362
Erin Holliden	Monroe	(812) 331-2890
Phil Miller	Hancock	(317) 462-3354
Carl Waters	Cass	(219) 626-3395
Kurt St. Angelo	Marion	(317) 357-9295
Skip Southwood	Sullivan	(812) 696-0136
James Baughn	Owen	(317) 440-8786
Jeff Adkins	Washington	(812) 883-3695
Tom Tindle	Vanderburgh	(812) 491-9077
Ed Gluck	Vigo	(812) 235-0412
Dan Headlee	Allen	(219) 422-7197
Cheryl Percy	Johnson	(317) 887-1247
John Dobelbower	Delaware	(765) 284-6996
Michael Houze	Kosciusko	(219) 457-1680
Barbara Borland	Tippecanoe	(765) 463-6601
Greg Kelder	LaPorte	(219) 324-4229
Dan Derrick	Hendricks	derrick@in.net
John Harbeson	Clark	(812) 246-9128
Aaron Spurling	Floyd	(812) 944-7598
Open	Scott	
Mark Schreiber	Hamilton	(317) 877-2296
Charlie Reynolds	Jackson	(812) 524-8836
Eric Merrell	Putnam	(765) 522-5336
Chris Nelson	Miami	(765) 689-8860
Matt Wilkin	St. Joseph	(219) 287-1481
Kenn Gividen	Bartholomew	(812) 375-1492
Jeff Smith	Steuben	(219) 833-2498
John Feeney	Porter	(219) 989-2724
Shari Sharlow	Grant	(765) 651-0321
Bruce Parisi	Lake	(219) 884-7898



JOIN THE LIBERTARIAN PARTY

## YES! I would like to be a friend of the Libertarian Party!

To become a dues-paying member of the Libertarian Party, fill in and return this form together with \$25. You will receive 12 issues of the LP News.

Name \_\_\_\_\_ Address \_\_\_\_\_

City, State, ZIP \_\_\_\_\_ Phone (home) \_\_\_\_\_ E-mail address \_\_\_\_\_

Occupation \_\_\_\_\_ Employer \_\_\_\_\_

The Libertarian Party is the party of principle. To publicly affirm what we believe — and to ensure that our party never strays from our principles — we ask our members to proudly sign this statement:

I do not believe in or advocate the initiation of force as a means of achieving political or social goals.

Signature [required]

Please enclose a check or money order (no corporate checks please) for \$25 payable to "Libertarian Party", or provide the following information to authorize billing to your credit card:



Account number \_\_\_\_\_ Expiration [mm/yy] \_\_\_\_\_

Signature [required] \_\_\_\_\_

Send this form and payment to: Libertarian Party 3601 N. Pennsylvania St. Indianapolis, IN 46205

Government Mandated Notices:

The Federal Election Commission requires political committees to report the name, mailing address, and occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year. The IRS requires us to print "contributions are not tax-deductible" on all fundraising appeals.

My membership and/or donation will support the Libertarian Party of Indiana. I'd like to be a member as follows.

- \$25 Basic Member
- \$100 Sustaining Member
- \$250 Sponsor
- \$500 Patron
- \$1000 Life Member
- \$\_\_\_\_\_ Monthly Pledge Program (Credit Cards Only Please)

Paid for and authorized by the  
 Libertarian Party of Indiana  
 Mike Runnebohm, Treasurer