

## Hornberger to Regale '99 Convention

The 1999 Arizona Libertarian Party State Convention, slated for April 24th this year, will be unusual in many respects. First of all, it will be held outside the Phoenix metropolitan area: at the luxurious Sheraton Tucson. Room rates will be amazingly low, however: just \$79/night for a standard room, and only \$89/night for a suite!

This year we explore the theme, "A New Dawn for Liberty." Perhaps more than any convention in recent memory, this one will deal with key issues that will determine our future as a party — and as individuals committed to liberty.

One key issue is the independence of our political party from the State, which presumes to govern our internal structure and operations in patently unconstitutional ways [see the article on p. 6 —Ed.]. Related to this will be an important discus-



Jacob G. Hornberger

sion on the years-long feud between some dissidents based in Tucson and the long-standing Arizona Libertarian Party (ALP). The selection of Tucson for this convention was in large measure an outreach to libertarians in Pima County who have been frustrated by this split.

We'll also hear at lunchtime about the key race for the ALP in 1998, John Buttrick's race for Arizona House in D25. John will tell us the many things we learned in his groundbreaking campaign [also see article at right, and on p. 2 —Ed.].

The keynote address will be by Jacob G. Hornberger, founder and president of The Future of Freedom Foundation and a co-editor of or contributor to six books, including the newly published *Your Money or Your Life: Why We Must Abolish the Income Tax* by Sheldon Richman. His editorials have appeared in both English and Spanish in the *Washington Post*, *Miami Herald*, *Las Vegas Tribune Journal*, *La Prensa San Diego*, and many others. In a recent *Liberty* magazine survey asking libertarians to rate the people who have most influenced their thinking, Jacob received the largest number of write-in votes. He was the keynote speaker at the 1996 Libertarian Party convention and is giving serious consideration to seeking the LP presidential nomination in 2000. In general, he is considered by many long-time libertarian activists to be the most compelling speaker in the party.

If the Arizona LP competes in the 2000 presidential primary, Jacob intends to wage an aggressive person-to-person campaign here, both in English and in Spanish, during the primary-election season.

Elections of officers will have an unusual twist this year, too. The chair-

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John Buttrick celebrates his team's effort at the election night party.

## Buttrick Breaks New Ground

After John Buttrick made such a favorable impression as the Libertarian candidate for Governor in 1994, the Arizona Libertarian Party (ALP) was faced with the decision of how to proceed in 1998. Would we try for another high-profile race — Governor again, or maybe Attorney General? Would we focus on changing the outcome of a close race, much as Robert Anderson did in Congressional District 6 against J.D. Hayworth and Steve Owens in '96? Would we spread our resources in order to run as many candidates as possible statewide?

Or should we focus our resources on a relatively low-profile race — one that our candidate might even stand a chance of winning?

Buttrick himself had laid out these options in a keynote address to the previous state party convention. The party leadership called on him once again as the time neared for settling on our strategy, and once again he led us through the arguments for and against each of these options.

The last option was our decision, for several reasons. First, we liked the idea of pooling our resources statewide to put one candidate into the same league (in terms of money available and volunteer power on demand) as the Democrat and

Republican opponents. Second, John pointed out one legislative district that offered a real possibility of a win: District 25. Third, purely by coincidence, John Buttrick lived in District 25 — and with minimal arm-twisting we convinced him to be our candidate.

With two House seats being filled in the district, it's possible to come in second and still win. Moreover, there are many ways in which the pattern of how voters cast their two votes could be influenced to the advantage of a third-party candidate. But would our resources be sufficient for a credible run?

We decided to give ourselves a couple of weeks to raise \$10,000 in contributions and pledges. If successful, we knew we had the level of interest among Libertarians to make a go of this plan; if not, we could reconsider our choice of strategy for the election season.

We made our goal with time to spare — and the race was on.

Fundraising letters went out in concentric circles — first to Arizona Libertarians, then to others in the Southwest, then to members nationwide. An ad went into the *LP News*. Ultimately, we raised \$40,000.

We sent out direct mail campaign  
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# Exogenous Factors in the Buttrick Campaign

by George L. O'Brien

It was exciting: approaching the primary election, it looked as though the two Democrat incumbents in District 25 would be challenged for their seats in the Arizona House by Libertarian John Buttrick alone. No Republicans had entered the race. With such a lineup for the general election, if enough Republican voters took an "anyone but a Democrat" attitude, Buttrick could very well come in second place, earning the first Libertarian seat in the Arizona Legislature.

Then, in the final moments prior to the filing deadline, a political non-entity named Wheat filed for the 25th District legislative race as a Republican. While Wheat had no organization, money or chance of winning, his candidacy effectively doomed whatever chance John Buttrick had of being elected as a Libertarian.

The Buttrick candidacy was a long shot at best. Incumbents are re-elected over 90 percent of the time. Incumbents begin with name recognition, the ability to offer favors (at our expense) to contributors and supporters, and the sense of inertia that comes from ignorance and apathy. Realistically, most efforts to "throw the rascals out" only result in the election of "new rascals." People have rationally concluded that, since voting doesn't change anything, "why bother?"

For the people who do "bother," most of them are interested in getting the government to give them things, do things for them, or to punish people they don't like. Most people who "care" about politics are statist.

Not only do Libertarians refuse to offer to buy people's votes (with their own money), but honest libertarians cannot even pretend that they will be able to protect people from the rest of the legislature. At most, voting Libertarian sends a message, but it's not clear that anyone wants to hear that message. We are in an age of denial.

One problem LP candidates face is that the libertarian message often leads people to have so much distaste for politics and political candidates that they won't make an exception for libertarians. The cynicism that has emerged from the White House has infected



Mike Renzulli (l) and Kent Van Cleave talk post-election strategy.

much of the country. "Why bother, indeed?"

The Republicans did an impressive job of turning off the voters. Not only did they have no issues in 1998 beyond the charge that Clinton is a scizeball (a charge everyone seems to agree on), they loaded enough pork into the appropriations bill to alienate even some Democrats.

People who wanted less government tended to stay home on election day. By contrast, the Democrats were highly motivated. In practical terms, it was very hard for Buttrick to avoid being perceived as simply another Republican in a year when Republicans did badly.

As the campaign season ran on, it was clear that people did perceive John as being similar to the Republicans. This was not a good place to be in a district that is registered primarily Democrat. Unfortunately, there was neither the time nor the money to "reposition" Buttrick.

At the same time, the Republican votes available within the district went to Wheat. Wheat's constituency was primary the religious right, who are often uncomfortable with libertarians — so most of them decided not to cast their second vote for Buttrick. In addition, the sharply contrasting styles of Buttrick and the ALP's nominee for Governor, Kat Gallant, was quite striking. The results were not favorable.

On the other hand, it is likely that there was much the LP could have done to change the outcome — but not in the sort time period available. Campaigns are not extremely good periods to get people to make major changes in attitude, and that's exactly what would have been required to achieve a different result in this race. Unfortunately, people are far too accepting of statism.

We have learned a lot from the Buttrick campaign, but it may not be enough to change anything. The fundamental social/attitudinal changes needed may require some new approaches to getting the libertarian message out.

"Buttrick," continued from page 1....

pieces, each carefully tailored for Libertarian/Independent, Republican, and Democrat voters. The analysis whereby voter lists were "mined" for the individuals most likely to respond to our message was impressive, indeed.

Campaign signs went up in three waves: an initial batch of bit 4'x8' signs as soon as Tom McGovern's campaign broke the ice by putting up his signs, then another wave (with an updated design) to grab attention in the last couple of weeks, and finally smaller signs went up at the precincts on election eve.

In the days before the election, volunteers took to the phones, calling Libertarian, Independent, and Republican voters and asking for their support — again working from prioritized lists carefully calculated to give the best results.

Finally, campaign workers went to the polls — taking a morning or an afternoon shift to pass out palm cards to voters. Every precinct in the district was covered for at least part of the day, and only a few didn't have a smiling Buttrick volunteer on hand all day.

We didn't win. In fact, John Buttrick received 13.4 percent of the votes cast, when about 25 to 30 percent would have been needed to win a seat.

## We've learned a lot from this exercise.

We were disappointed. We'd hoped for a stronger Republican turnout (with many of them casting their second vote for Buttrick) and a weaker Democrat turnout. And, sadly, it looked like the Independents stayed home in droves. As it turned out, not even a vote from every Republican who voted for their own candidate, plus the standard 2 percent Libertarian base and a thousand or so votes from Independents could have won the day for our campaign.

But we've learned a lot from the exercise. The experience with fundraising, volunteer management, and direct mail campaigning will be valuable in the future, and there were also some good ideas we didn't get to implement for lack of funds or time; they, too, might be useful for future campaigns.

The most important lesson is mentioned by George O'Brien in his companion article here: We are asking voters to change long-standing attitudes and behaviors, and they simply won't do that after exposure to one or two letters — no matter how well crafted those letters might be.

A successful Libertarian campaign will need to "soften up" the voters far in advance of election season, priming them to accept and act on our message when the campaign begins in earnest. Libertarian voters will need to be mobilized to turn out at the polls (and to volunteer in much greater numbers than we have ever enjoyed). Independent voters will need to view our candidate as a strong, positive reason to vote rather than staying home. And both Democrat and Republican voters will need to become uncomfortable about the anti-freedom planks of their parties' platforms — and about the general tendency for politicians to make government grow at their expense.



A Quarterly Publication of the Arizona Libertarian Party  
Kent Van Cleave, Editor

Post-election party photos pp. 1&2 by Paul Schauble.

The Arizona Libertarian is published quarterly in non-election years, and quarterly plus a special election issue in election years. Deadlines: February 5, May 5, August 5, and November 5. The special election issue's deadline is October 1. Typewritten, DOS-Text, or e-mailed submissions for publication are invited. Submit articles, letters, and advertisements to: Kent Van Cleave, Editor, P.O. Box 240, Ganado, AZ 86505-0240; e-mail — kvc@compuserve.com. Direct all inquiries about membership, activities, subscriptions, and libertarian literature to ALP, P.O. Box 501, Phoenix, AZ 85001 or (602) 248-8425. Basic subscription rate is \$15 per year.





*A New Dawn for Liberty*

# 1999 Arizona Libertarian Party State Convention

**Saturday, April 24, 1999**

Sheraton Tucson  
5151 East Grant Road  
Tucson, AZ 85712  
(520) 323-6262

**Friday Night Cocktail Party!! 7:00 P.M.**

## AGENDA for Saturday

- 8:30 - 9:00 a.m. — Registration
- 9:00 — Opening of convention by the Chairman
- 9:05 — Panel Discussion (topic: Which Way the ALP? The Schism and the Future)
- 10:25 — Break
- 10:40 — Platform debate
- 11:55 — Break for lunch
- 12:00 — Luncheon (speaker John Buttrick on his groundbreaking run for Arizona House)
- 1:00 — Panel Discussion (topic tentatively: "Will We Hold a Presidential Primary in 2000?")
- 2:45 — Break
- 3:00 — Bylaws debate and, if time allows, open discussion of topics raised by members
- 4:00 — Election of officers and adoption of resolutions; adjourn business meeting
- 5:00 — Entertainment!
- 5:30 — Break
- 7:00 — Dinner Banquet (keynote speaker: Jacob G. "Bumper" Hornberger of the Future of Freedom Foundation)
- 8:30 — Annual Awards Presentation
- 9:00 — Informal hospitality in members' suites

### CARPPOOLING?

Call your County Chair (p. 11).

Last resort: Kent at (520) 755-6361; krc@compuserve.com

**CHECK OUT OUR WEBSITE:**

**WWW.LPAZ.ORG**

for convention updates and other news

## REMINDER!

**Only Members-of-Record may vote in the business session and in the elections of officers.**

**To be a Member-of-Record of the Arizona Libertarian Party, you must be a registered Libertarian, and pay your \$15 annual dues (if you've not done so since the last convention and you didn't attend the last convention). The deadline for becoming a Member-of-Record for this convention is April 10, 1999.**

## Convention Hotel Rates

**Rooms: \$79.00 Single/Double**

**Suites: \$89.00 Single/Double**

This rate does not include state and local taxes of 9.5% plus \$1.00 occupancy tax. A full American buffet breakfast, served daily, is included.

**Make reservations by March 24, 1999.**

Call toll-free: 800-257-7275  
and mention the Arizona Libertarian Party to get our convention rates.

## Registration Form



NUMBER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

	Until March 9, 1999	Until March 20, 1999
Full Package	\$75	\$85
Business Session Only	\$25	\$25
Luncheon Buffet Only	\$25	\$30
Banquet Only	\$35	\$40
Friday Night Cocktail Party	\$5 (not included in Full Package price, and can be paid at the door)	

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

City, State, ZIP \_\_\_\_\_

Phone \_\_\_\_\_ Total Enclosed \_\_\_\_\_

My Choice of Dinner Entree:

- Prime Rib
- Grilled Salmon

**PLEASE make your meal reservations by April 20, 1999.**

Mail to: Robert Bulechek, 2789 N. Treat, Tucson, AZ 85716  
Make checks payable to: Arizona Libertarian Party

# Letters

Dear Libertarians,

If any of you or your associates are interested in distributing FEAR (Forfeiture Endangers American Rights) brochures, please give me a street address and a phone number so that I can send you bags of 500 brochures.

FEAR is a national non-profit organization dedicated to reform of state and federal asset forfeiture laws to restore due process and protect the property rights of innocent people.

Thanks.

Yours truly,

**Susan W. Wells**  
**Publicist**

**Forfeiture Endangers American Rights**

<http://www.fear.org/>

1-888-FEAR-001 (Mon-Fri, 10am-6pm EST)

Dear Libertarians,

The Arizona Supreme Court has refused to hear Ken Rineer's Guns in the Park appeal [see the article on p. 8 --Ed.]. Because of this, it was decided that the Arizona Preemption Law needed to be cleaned up, and made more clear as to it's intent.

Representative Prebble from district 9 has introduced HB 2615, which will do just that. This is a pretty good bill, and needs our support.

According to ALIS, it has been sent to both the Rules and Federal Mandates & States' Rights Committees. We need this bill to be sent to the house floor AS WRITTEN for a vote. Please call the following representatives and tell them that you want just that to happen.

Rules: Wes Marsh, Karen Johnson, Jim Weiers, **Fran Van Cleave**

Christine Weason, Ramon Valadez, Marilyn Jarrett, Herschella Horton, Joe Hart, and Mike Gleason.

**Federal Mandates & States Rights:** Marilyn Jarrett, Gail Griffin, Carmine Cardamone, Bill Brotherton, Debra Brimhall, and Barbra Blewster.

You can reach all of them through the state switchboard, 1-800-352-8404. I do not know what the time frame is for this, so please call NOW.

Also, please go to <http://www.426-hemi.com> and follow the links there to e-mail EVERY member of the state house and let them know that you favor this bill, and want it passed as written.

Remember, it is critical that we get this preemption language cleaned up, we can not allow the cities and counties in Arizona to pass anti-gun ordinances.

**Scott Wood**  
**President**

**Brassroots, Inc.**

<http://www.brassroots.org>

Dear Libertarians,

As a struggling writer of libertarian science fiction, I've been impressed by my writer's group's commitment to helping fellow writers. I don't know if Heinlein started this, but he certainly provided a sterling example.

A fellow libertarian contributor to *ANALOG*, Leslie Fish (who has volunteered her folksinging talents for libertarian causes), has been having a lot of trouble finding reliable roommates. Libertarians, being naturally responsible, tolerant, and interested in eccentric people and ideas, would be ideal.

So ... anyone who needs accommodations in the Phoenix area (vicinity of 75th Ave. and Thomas), for \$350/month and shared housework: please call Leslie at (602) 247-7809. Thanks!

# Help Build Our Future!

by Tom Paswater

The Arizona Libertarian Party has outgrown the stage of just running candidates every two years and decreasing our activity until the next election. We need to be active throughout the election cycle. We also need to be active statewide, not just in Phoenix and Tucson. To become a full-fledged party, we need dozens of volunteers to help build the ALP. Although we need volunteers throughout the state, our most urgent need is in the rural counties.

There are many things that need to be done, and no one person can do all of them. However, if you can spend a few hours a month doing one or two projects, you can help spread liberty in our time. See if you are willing to do the simple, typical tasks (listed below) that make any organization like ours successful.

If you are willing to help make 2000 the greatest election campaign in ALP history, please mail this form to: Tom Paswater, 4212 W. Cactus Rd. #1110-337, Phoenix AZ 85029. You can also e-mail me at [freeboy@sprynet.com](mailto:freeboy@sprynet.com).

## YES!

### I'll help by...

- Writing a letter to the editor once a month.
- Operating an outreach booth once or twice a year.
- Attending a rally in your area every two or three months.
- Helping organize a local rally every two or three months.
- Working for a candidate in your area during election year.
- Distributing outreach literature in your town every three or four months.
- Running for office.
- Designing outreach material and/or newsletters.
- 
- Other \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

## ◆ The W. Patrick Harper Memorial Award ◆

The W. Patrick Harper Memorial Award is given annually and represents an effort to recognize long-standing achievement in the furtherance of liberty. Pat Harper was a charter member of the LP in Arizona, a freelance photographer, and the first Libertarian to hold the balance of power in a national election. In the opinion of those who knew Pat, he was the most articulate spokesperson in Arizona for Libertarianism. In 1976 he ran for U.S. Congress in a three-way race with Eldon Rudd and Tony Mason. In an election won by Rudd with a margin of only 600 votes, Pat received 6,000 votes. Pat died in 1978, at the age of 28, of a cerebral aneurysm.

### The Nominees (in alphabetical order):

- John Buttrick**, 1994 Gubernatorial candidate, 1998 D25 candidate, and favorite media spokesman
- Vin Suprynowicz**, Las Vegas columnist, author, expatriate ALP member, and convention speaker
- Kent Van Cleave**, ALP Secretary, editor, designer, spokesman, webmaster, twice D25 candidate
- Michael Voth**, ALP Vice Chairman, former (perennial) Coconino County Chairman and webmaster
- Other: \_\_\_\_\_

Ballots must be mailed by March 15 to: Robert Bulechek, 2789 N. Treat, Tucson, AZ 85716.



# THE ADULT BUSINESS QUESTION

by Ronald C. Tobin

During the month of December 1998, the City Council of Phoenix struck a blow for fascism and Puritanism by passing new ordinances further restricting so-called adult-oriented businesses. Specifically, these new ordinances call for club entertainers (strippers and erotic dancers) to be licensed and undergo police background checks, an end to dancing in private rooms (lap dancing), and force the closure of the city's six social clubs (places where consensual sex does indeed take place). The usual range of excuses were brought up for this clearly punitive action against an 'unpopular' industry — fight prostitution, drugs, save the children, control loitering, that sort of thing. Obviously, all of these clubs are suing the city to get these ordinances rescinded. Hopefully, the clubs will eventually prevail.

What is the real issue here? Does any unit of government really have the right to single out adult-oriented businesses for special regulation because they do not meet some sort of community standard? Are these businesses really some sort of public nuisance? Are those social clubs really magnets for prostitution? Frankly, I think that the bottom line here is obvious, but let's take a look, shall we?

The real issue here is social control. Apparently, the majority of the city council disapproves of adult-oriented businesses. They presume the majority of the business interests and the electorate agree with them, so they act in a heavy-handed fascistic fashion. Perhaps the city council is right in their beliefs about the attitudes of the "desirable" business community and the electorate, but this does not justify this repression. Social control is a cornerstone of modern America, which has facilitated the slow but certain erosion of freedom here. That is the real issue.

No unit of government has the right to single out any industry — much less the adult-oriented ones — for special regulations for an alleged failure to meet some sort of community standard. Any business that is not supported by a customer base will die on the vine. Governments have no right to define, much less enforce community standards. As to regulations — there should not be any. There needs to be a complete separation of Economy and State. That way, blue noses on city councils will just have to express their dislike of a business in the only acceptable way — by just not doing business with them!

The public nuisance charge against adult-oriented businesses is pure rubbish. This charge is leveled

against any currently "unpopular" activity. It is a catchall. I think that governments, as presently constituted, are a public danger — much less a mere nuisance. No adult-oriented business forces people to work for them or to patronize them. Like any other real business, people choose to be there. The whole concept of a public nuisance is so fluid that it is essentially meaningless.

Declaring the social clubs to be magnets for prostitution appears to be entirely without merit. It is likely that some prostitution activity has taken place at such a club — but then prostitution also takes place around convenience stores, bars and supermarkets.

Prostitution, or lack thereof, is not a proper concern of government — it should be decriminalized! These clubs say that only consensual sex between adults takes place on their premises. Frankly, I believe them.

I am outraged by the audacity of the Phoenix city council in many ways, and I am mortified that the city of Glendale is following in their footsteps! The crackdown on the adult-oriented businesses is just the latest. I doubt that they are all that different from councils in other cities around the world — and that is scary. The important point here is this — just because a certain kind of business is unpopular, or you do not like a type of business, does not mean you can let a government body get away with repressing it. So long as it is non-coercive, voluntary activity, so long as said activity poses no valid threat to your person or property, then you have no right to try and get it regulated out of existence. Part of true freedom is knowing that people have the right to engage in activities that you find to be reprehensible. If you expect your rights to be respected, you must grant the same tolerance to others. All Libertarians ought to understand this.

My message to the city councils of Glendale and Phoenix is — get off your Puritanical, hypocritical high horse and leave the adult-oriented businesses alone. If that is the best activity you can come up with, just stay home and leave us alone!

Ronald C. Tobin is publisher and editor of *THE THOUGHT*, a Libertarian bimonthly journal of philosophy and politics. For a copy, send \$2.00 to: Ronald Tobin, PO Box 10760, Glendale, AZ 85318-0760.



# Arizona Spending More and More

by Oliver Ray Price, Ph.D.

On 14 January, 1998, *The Arizona Republic* (AR) reported that our new Arizona governor proposed a budget for 1998-99 with heavily increased spending. The budgeted spending was \$5.7 billion an 8% increase over the budget for 1997-98 of \$5.27 billion!

On 15 January, AR reported that the Arizona Joint Legislative Budget Committees proposed budget was only slightly less than the governors proposed budget.

Neither the governor nor the legislators said anything about returning the \$500 million cash revenue (taxes) to the owners — the taxpayers of Arizona. This half billion dollars came from excessive taxes for 1997-98. As promoted by Minnesota's new governor (Jesse Ventura), this excessive amount should have been returned to the taxpayers.

I was astonished at the next item in this saga of spending and spending. On 21 May, 1998, AR reported that your governor signed into law a bill that budgeted spending \$5.9 billion in 1998-1999. The percentage increase over spending in the 1998-99 year is now 14.3 percent! The era of big spending and consequent big government is still with us. More and more spending is proposed by Republicans and Democrats. The party of affiliation makes very little difference when spending is the subject.

Amazingly, the story goes on. On 22 November, 1998, AR reported that budget analysts for the Arizona Legislature were projecting a \$282 million deficit for the next fiscal year. In spite of this news a spokeswoman for the governor said that she believes that the budget is in reasonably good shape!

There is now some discussion about borrowing money (selling bonds) to take care of the projected deficit. If Arizona government spending continues to escalate, Arizona could become the leader in the USA in per capita spending before too long. Our state legislators must put the brakes on and reduce spending each year instead of increasing it.

Ray Price has run as a Libertarian for Corporation Commissioner and Arizona Treasurer.





# Declaring Our Independence WILL THE ALP BE JUST A CREATURE OF THE STATE?

by Kent Van Cleave

It has been no secret that for many years the “two-party” government in Arizona has set up roadblocks for competition from emerging political parties — ordaining, for example, a prohibitively difficult petitioning process for ballot access.

What is *not* well known is that the State has set up other obstacles to the effective emergence of new political parties, in the form of election laws that prescribe how a political party is to organize itself.

For example, you can't be a libertarian and hold office in the Libertarian party. I'll explain in a moment.

The other little known fact is that a faction of party dissidents based in Tucson has been working for years to get the State to declare that the Arizona Libertarian Party — the organization that has always fielded candidates statewide, published this newsletter, and generally pursued the cause of liberty in Arizona — *is not the Arizona Libertarian Party!*

Why? Because we haven't been following the patently unconstitutional election laws passed by the Demolicans in the Arizona Legislature.

Who, then (you ask), *is* the Arizona Libertarian Party? Why, it's the dissidents, of course. According to them, it is inappropriate for the Arizona Libertarian Party to insist on being an independent political organization of individuals claiming every right (protected by both the U.S. and Arizona constitutions) to determine their own internal structure and peaceful, honest operations with no interference whatsoever from the State. After all, the Arizona Legislature has passed

## You can't be a libertarian and hold office in the Libertarian Party.

laws saying who our officers can be, when and where we must hold our business meetings, and that the taxpayers will foot the bill for our election of candidates for internal party office. Who is a mere Libertarian to deny the State that power?

At any rate, there are now (and have been for several years) *two* political entities in this state claiming the name “Arizona Libertarian Party.” One is *this* organization, recognized by both the Arizona Secretary of State and the U.S. Libertarian Party, and on whose executive committee the chairmen of the various county Libertarian party affiliates sit. It's the one you think of whenever the name “Arizona Libertarian Party” comes up. We just call it “the ALP” for short.

The other entity was formed by the dissidents in Tucson. They have long groused about the “philosophical purity” of the ALP — including our refusal to

make use of government matching funds for our campaigns, our insistence that primary elections should be funded by the parties themselves rather than by the taxpayers, and our refusal to adopt the precinct committeeman structure prescribed by the State.

One can sympathize with their frustration. After all, it probably seems that without claiming our “share” of tax money devoted to campaigns, we'd be at a permanent disadvantage and never emerge as a serious political contender in Arizona. If your goal is to get Libertarian candidates elected, rather than to live as a libertarian, this would be frustrating, indeed.

Libertarians who have been “seduced by the Dark Side” to accept tax money for their political use often speak of “repatriated money” — the idea being that they are expending the people's money in their own best interest, by working to restore their liberty. But there's no difference in principle between that practice and any other political do-goodism. Whenever a self-anointed group presumes to spend the people's money in ways that they've decided is for their own good, it's an abuse of government power.

Perhaps the best way to boil this down is that we need to avoid the old “the end justifies the means” pretext. Libertarianism is about *means*: maintaining a self-limiting political structure for the single purpose of protecting individual rights. We leave the *ends* up to individuals, to be pursued in whatever peaceable and honest fashion they desire.

In their frustration, the dissidents decided to take over the ALP. Their first attempt occurred at the annual convention in 1995, where they tried to introduce dozens of “proxies” from individuals whose membership in the party couldn't be verified.

Thwarted in this effort, the dissidents made quite a scene — ultimately to be ejected from the convention and suspended from party membership for 10 years. In fact, since the dissidents at that time constituted the leadership of the Pima County LP affiliate, the county party lost its affiliation (and remains unrecognized today).

The dissidents then hit upon a new tactic. They would use the force of government to have themselves declared the official Libertarian Party in Arizona. The means they hit upon was imaginative, but strikingly non-libertarian: Suing the ALP and its officers for failing to abide by state election laws governing the internal structure and operation of political parties. This is how the dissidents and the State came to be aligned against the ALP.

How does the State claim to regulate political parties in this fashion, and what's wrong with it?

Well, how would you expect political parties to be organized in a free country? They'd get together

based on common interests, excluding those who disagreed with their fundamental purposes, and press their agenda in the political arena — right? They'd adopt bylaws of their own choosing, and those would govern their actions.

Not in Arizona. Political parties here, by law, may not exclude individuals who oppose their platforms. Political parties here, by law, may not disqualify would-be candidates for public office from running on the party's ticket merely because they disagree with the party's platform, or don't meet the party's standards for candidacy (whatever those might be).

Outrageous? We think so. But there are two stellar examples from the 1998 elections that demonstrate this rather vividly. The “Libertarian” nominee for Attorney General turned out to be a long-time Republican non-attorney living in Nevada, who was

**Once you accept government  
control in this area,  
there's no reclaiming it.**

completely unknown to the ALP leadership — hardly a candidate we would choose. And one of the candidates for Congress was none other than one of the dissidents — not even a member in good standing of the ALP! In neither case could we do anything to stop these candidates from “representing” our party.

The State makes another requirement of political parties — one upon which the dissidents staked their fortunes. According to the laws of Arizona, if you want to run for office in your party — not for *government* office; just to be, say, Secretary of your party — you must first be an elected (in a tax-funded primary election) precinct committeeman. Now, I'm sure you'll recall that the ALP takes a very dim view of tax-funded primaries; in our view, a real libertarian would never participate in such an election. That's what I meant at the outset when I said that libertarians could not, according to the State of Arizona, be officers in the Arizona Libertarian Party.

Think about this. In Arizona, if you believe deeply that taxation is theft (or, more precisely, *extortion*) — and that it is therefore morally wrong, you will not be permitted to advance that view as an officer of a political party *unless you violate it first*. Unless you accept tax funding for the election that makes you a precinct committeeman (and therefore eligible for party office), you are not going to be recognized by the State as a legitimate candidate for internal party office.

Can you say, “unconstitutional”?

The dissidents might have trouble mouthing that word, but they have no difficulty with “opportunity.” They set about becoming (and recruiting) precinct committeemen. It wasn't difficult; in most precincts, it takes only a signature or two on your nominating petition to get you qualified — and Libertarian voters will naturally presume that anyone running as a Libertarian will be there with the knowledge



and support of the Libertarian Party, right? Still, even if no one other than the candidate himself casts a vote in the primary, he'll be elected.

*Self-nominated and self-elected candidates — a new high in American politics.*

Now that our dissidents have made themselves precinct committeemen, and no one in the ALP has done so, they are now the only possible candidates (according to Arizona election law) for internal party office. But how do they go about getting *elected*?

Well, that part turns out to be simple, too — thanks again to the Arizona Legislature, which also requires political parties to conduct their internal business at limited times and places. Don't hold your convention in March or April (when the hotel rates are reasonably low); that's too late. And don't dare hold it anywhere but Phoenix, for the state capital is the only reasonable site for a party business meeting.

I've already asked if you can say, "unconstitutional" — but can you also say, "stupid"?

Well, the dissidents have (for a few years, now) been holding their "organizational meetings" according to the State's schedule. And, as "duly elected" precinct committeemen, they naturally claim to be the select pool from which party officers can be elected. So they have, annually for the past few years, assembled in Phoenix on or before the State-appointed deadline of January 31, to "elect" their slate of officers.

What, you wonder, makes them imagine that following unconstitutional state laws rather than the duly adopted bylaws of the ALP will transform them into legitimate party officers? *Shrug.*

One theory is that if the ALP has failed to follow state election law, it simply ceases to exist (allowing vigilant party dissidents to don the abandoned Libertarian mantle — as long as *they* follow the State's bidding). But this is ridiculous. If the ALP has violated State law, they may be susceptible to directives for correction, or even penalties of one sort or another — after a trial. And a chance to appeal! But *automatic* dissolution, pronounced by ordinary citizens? Nah.

Another cute, if patently disingenuous, technique is to pretend that there is confusion as to which entity is really the ALP. That's a favorite of late.

The real dispute is over whether people who call themselves "Libertarians" should seek to replace the existing independent political organization we have had in Arizona with one that is, unequivocally, a creature of the state. If that happens, it will be only because "Libertarians" invoke the force of the state to usurp the name and hard-won political capital of the party that has been functioning all these years according to the will of its committed members statewide.

If the dissidents succeed in using these election laws to legitimize themselves while displacing the previously recognized organization, there will never again be an opportunity to demand that our political party's right to determine its own internal policies and structure be restored. Once you accept government control in this area, there is no reclaiming it for the party. That genie won't go back into the bottle.

## "Clean Elections" Initiative a Disaster

by Phil Murphy

Last year's Proposition 200 was an initiative proposed by Arizonans for Clean Elections. It limits campaign spending and gives "Clean" candidates money to run for state legislature and major state offices. This is supposed to open the door for honest, minor party candidates to get into the legislature and state office.

Instead, Prop. 200 spells the *END* for all third party candidates, not the salvation bill of goods you were sold.

When the state claims they're forced to raise taxes to pay for this nonsense, they'll simultaneously raise the registration requirements on third parties, eliminating them from the process and thus allowing the state to say they're "saving money by removing non-viable candidates." This is why we called Prop. 200 "The 1998 Incumbent Protection Act."

Using public moneys to finance individuals (to whom any individual taxpayer may be vehemently opposed) is not only immoral,

but is about as un-American (read: "communist" — trust me, I don't use that word lightly) a law as you can get. That's why I maintain that Volgy actually won the election against Kolbe and me — he got *everything* he wanted to socialize the election process throughout the state, just like he achieved in Tucson with matching funds.

Oh, joy!

The talking monkeys have spoken. In three separate ballot initiatives, they have killed all republican form of government in Arizona. Now that *no* ballot initiative can be overturned and our primaries are open, the public funding of elections has sealed our fate. We are presently the only state in the union to dissolve our representative form of government with the passage of three little proposals. What? Nobody told you?

Gee. I wonder why.

Wanna get 400 people together and collect \$5.00 each from them? You can receive \$350,000 in taxpayers' money to run for state offices that are presently being won with only \$40 to \$55K. If you chose the high moral ground and insist on raising your own money in the old-fashioned (read: American) way, a panel of eleven talking monkeys who cannot have *ANY* political experience (they can't even have

been a precinct committeeman within the past three elections) but who are appointed by the most corrupt judges in the state will *TELL* you how you can spend **YOUR OWN MONEY**. If you take the \$350,000 to \$800,000+ (if you have an eye on the governor's office... like maybe Sweeney and Finklestein), you can do whatever the hell you want with the people's money. This is why we'll have *NO* third parties after the first election cycle using this system. We simply won't be allowed to participate because **WE'LL BE TOO EXPENSIVE**.

Open primaries will mean all qualified major party candidates will be open to attack from crossover voters who put the likes of Joe Sweeney onto the ballot

to ensure the opposition's defeat in the general. Making it impossible for the legislature to overturn an initiative means that we live in Perot's dream world where the majority rules and minority rights are eliminated by the will of the majority. Think Blacks should ride on the back of the bus? Circulate petitions and get it on the

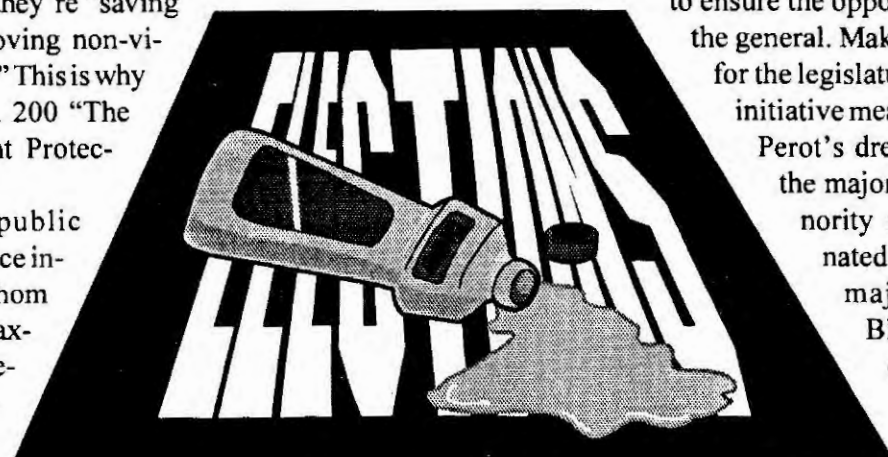
ballot. If it passes, it becomes law, **AND THERE'S NOTHING THE STATE CAN DO ABOUT IT.**

Yes, we've finally got campaign finance reform. It's modeled on every banana republic's campaign finance laws, so you can be sure it's exactly what the people thought they were voting for. If you steal my tax money, give it to my enemy, and ensure my beliefs don't stand a chance of being represented in the government we elect, you're my mortal enemy.

If you voted for it, you're worse than a fool. You're the problem.

It's over, kids. Enjoy the ride.

*Phil Murphy is a former Libertarian Candidate for Congress, and the driving force behind Brassroots, Inc., the gun rights organization.*



### 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 U.S. Postal Service and cannot 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!



## Fighting the Chandler Transit Tax

by John Semmens

The Chandler City Council has put a \$100 million sales tax increase on the May 18 ballot. While this tax offers a few *crumbs* of sensible street improvements, the bulk of the money would be expended on an ill-conceived expansion of the current transit service.

The transit expansion aims to imitate Tempe's program of putting little-used buses on major streets. Much has been made of the fact that, each year, Tempe collects \$125 per resident with its transit tax while Chandler spends only \$2.49 per resident. The implication is that Chandler's taxpayers are not paying enough. But what have taxpayers in Tempe gotten for their money? The 500,000 additional bus passenger trips achieved by Tempe Transit's expansion are costing \$20 million per year. That's \$40 for every additional passenger trip. There are few transit passengers who would be willing to pay this much for their own rides. Why should taxpayers be coerced into funding them?

While the proposed tax starts out with an even split between transit and non-transit spending, by the fifth year of the plan transit spending rises to consume 80% of the budget. The expanded transit system will prove a continuing and growing drain on city resources.

Concern for safety is one of the proffered rationales for this tax increase. Granted, riding on a bus is a safe way to travel. However, this does not mean that adding more buses will increase safety. The problem with putting more buses on the roads is that they increase the risks to other road users. The non-occupant fatality rates for transit buses (4.82 per 100 million vehicle miles vs. 2.25 for trucks, .56 for cars, and .16 for motorcycles) are the worst of any major class of vehicles on the road. When buses carry few passengers (as they do most of the time) overall traffic safety is degraded.

Before we ask taxpayers to hand over more money to transit bureaucrats, shouldn't we have an accounting of how the current transit service is performing? Well, Chandler's existing bus service is deficit ridden and terribly inefficient. Chandler Transit currently loses over half a million dollars per year. This amounts to about \$2.10 on every passenger it carries. The planned expansion of the bus system would incur an average loss of over \$6 million per year for the first five years of the program. The incremental loss per additional rider in the first year is likely to exceed \$30 per passenger boarding. These projected losses are all predicated on the assumption that the expansion results in a tripling of the number of riders over the first five years of the expanded program. The losses will be even larger if ridership falls short of this extremely generous assumption.

No one disputes the need to deal with traffic congestion. Unfortunately, pouring money into a transit expansion is unlikely to provide much relief. Transit's total share of travel in the metropolitan region is less than 1%. This includes the central core of Phoenix. Transit's share in a suburb like Chandler is even smaller. In the unlikely event that the proposed transit expansion were to double transit's share of travel, 98% of the traffic problem would remain untouched.

Last year, when the City of Phoenix was considering a transit tax increase, reports published by a Governor's Task Force and the Arizona Department of Transportation estimated the potential impacts on traffic and pollution for a number of alternatives. Transit expansion was the least effective and most costly option available. We could have a much bigger impact at a much lower cost if we pursue options that deliver a better value for the taxpayers' dollar.

Putting tax increases before the voters is touted as a *fair* way of deciding these issues. Certainly, giving taxpayers the opportunity to vote on whether they will be forced to pay higher taxes is better than not putting proposed tax increases on the ballot. Nevertheless, city officials never give voters the opportunity to vote for reductions in taxes. Taxpayers must fend-off repeated attempts to extract more money from them. As a result, taxes spiral to ever higher levels.

Those of us campaigning against this tax increase are waging a David vs. Goliath battle. It's tough, but I've done this five times before and won every time—despite unfavorable poll statistics and being outspent by 100 to 1.

If you would like more information about the campaign, have me speak to your neighborhood association, or other gathering, or if you would like to assist with strategy, please send me an e-mail (jsemmens@aol.com) or give me a call (940-9824). Election day is May 18, and vote-by-mail starts around April 1, so there is time to assist in this campaign. Volunteers need not be Chandler residents, and since sales taxes will be collected from non-residents, it is my philosophy that any targeted victim has the right to fight back regardless of whether they have the right to vote on the planned theft.

*John Semmens, one of the founders of the Arizona Libertarian Party in 1972, has been a leading figure in numerous successful campaigns against proposed local tax increases. These successes help demonstrate how libertarians using libertarian arguments can win on election day.*

## Justice Denied

### BRASSROOTS RELEASE

TUCSON — The Arizona Supreme Court denied review of an appeal for relief from the Arizona Court of Appeals, Division II which upheld a Tucson ordinance prohibiting weapons in city parks.

Ken Rineer, a gun rights activists and member of Brassroots, challenged the constitutionality of the city ordinance in October, 1996 by arranging to be arrested at Himmel Park by the Tucson Police Department for possession of a firearm.

Mr. Rineer's goal? To overturn the city ordinance based on its unconstitutionality and by the fact the field is preempted by the state.

City Magistrate Eugene Hays granted Rineer's motion to dismiss stating the ordinance was unconstitutional and preempted by state law.

The City of Tucson appealed Magistrate's Hays' decision and Superior Court Judge Cindy K. Jorgenson reversed the lower courts decision and remanded Mr. Rineer back to City Court for trial.

Mr. Rineer appealed Judge Jorgenson's decision to the Arizona Court of Appeals. They affirmed Judge Jorgenson's decision claiming the City of Tucson has the power to regulate weapons possession in city parks for the health, safety and welfare of the cities residents.

Mr. Rineer then appealed to the Arizona Supreme Court — his appeal has been denied.

"Justice has been wrongfully denied in this case. If the courts, the last resort for an individual to secure his rights under the law, ignores the clear word of the law, then what is left for the individual to do?" Rineer asked.

"President Harry Truman said we must be militant about preserving our freedoms if we are to protect them. This is what I'm trying to do." Rineer also said.

"This challenge was a test for me; to see if our system of justice still works or if it is broken. I have learned that it is not only broken, but in urgent need of repair. If we allow our politicians and our judges to continue as they are, we risk losing the very rights many have lost their lives or limbs fighting to preserve! The myth is this: the justice system is the last, best hope for the beleaguered 'little guy' in the world of the powerful." Rineer said.

Mr. Rineer asked Governor Jane Hull and Mayor George Miller to issue Proclamations recognizing Bill of Rights Day on December 15, 1998. Both, without hesitation, issued proclamations recognizing the importance of this day in our history.

But if the courts will not recognize our individual rights as they are enumerated in the Declaration of Rights in the Constitution for the State of Arizona, then why even have a Constitution? asked Rineer.



I'll leave it up to the intelligent to decide — the people. I still have faith in the people, but I have no faith left in judges.

Article II, Section 26 of the Arizona Constitution states: "The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men."

Could it be any more clear?

Everyone should remember a very important fact. If we all don't fight for everyone's rights, whether we like the right or not, we endanger those we do like. It isn't popular speech that requires protection, for most can agree with what is spoken. But, we must be ever vigilant to protect unpopular speech. The same goes for firearms. Not everyone likes firearms, but to possess and bear them is a constitutionally protected right; equal to and just as protect as the right to speak freely.

Claire Wolfe said it best in her essay entitled, "After the Fall of Justice, When Justice Leaves the Courtroom, Hope Turns Elsewhere." Claire wrote, "Ultimately, prosecutors and judges who behave like tyrants in the courtroom will find that it isn't the little guy — the demonized "paper terrorist," the jury-rights advocate, the pot smoker, the militia member, the drug entrepreneur or the errant juror — who suffers the most dire consequences when the justice myth dies. No. When the powerful close the doors to justice — and when the common people understand that the doors are closed, we have no more place to turn: the streets."

*Ken Rineer can be reached at 7901 E. Manitoba Street Tucson, Arizona 85730; (520) 740-9387.*

## Arizonans Win VC1 Prizes

Virtual Con 1, the first online convention for science fiction fans and writers, took place on the weekend of November 14-15, 1998. Run by libertarians Don Tiggre and Sunni Maravillosa of the Liberty Roundtable, it included live interviews via RealAudio™ (also available on demand afterward), point-and-click bios of the guests of honor, and even a live chat room for attendees. There were also contests, and two Arizonans came away with two prizes each.

**Mark Hoerning** of New River won a 3rd Prize of \$100 in the First International "Moon Is a Harsh Mistress" Filk Contest for his song, "Lunar Revolution" (sung to the tune of "City of New Orleans"). Even better, Mark's song also won the Popular Vote Prize — another \$100. **Fran Van Cleave** won the Ayn Rand Lookalike Contest, and then took home a door prize: a new edition of *The Moon Is a Harsh Mistress* by Robert A. Heinlein. Congratulations to both!

There is a VC2 planned, and anyone interested should visit the Libertarian Round Table website at <http://www.lrt.org> and click on the "VirtualCon Info Center" link.

## The State of Arizona Firearms Law

by Dean Weingarten

**T**he right of a individual citizen to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men." This quote from the State of Arizona's constitution makes it clear that Arizona firearms law should only deal with non-defensive uses of firearms; defensive ownership and carrying of firearms are to be exempt. Unfortunately, statist judges have created case law that effectively negates the state constitution. Consequently, Arizona firearm law is far more complicated than it need be. State statute 13-3112, the Concealed Carry Weapons (CCW) law is a prime example.

With crime on the rise, in 1990 Arizonans were trying to assert their right to carry concealed weapons. The state Supreme Court agreed to hear *Dano v. Collins*, a case challenging the constitutionality of Arizona Statute 13-3102, the federal territorial law forbidding the carrying of concealed weapons that had been adopted in a unit with the other territorial laws carried over by the first state legislature. The supreme court heard the oral arguments, found that they had "inprovidently" agreed to hear the case, refused to hear any more, and upheld the constitutionality of the law through inaction. In response to the rising demand for the right to carry concealed weapons without the threat of legal reprisal, in 1994 the legislature passed the CCW law, a law widely believed to be flawed, but just as widely believed to be better than the wholesale prohibition the Appeals and Supreme Court had upheld. The 1994 CCW law has been popular and successful in spite of its flaws. The Department of Public Safety (DPS), who initially opposed the law, and who administers it, now says "The law's success has been astounding." While the law includes time consuming, privacy invading, and inhibiting requirements to furnish fingerprints, pay upwards of \$200.00, attend 16 hours of instruction (the greatest number of hours of any state), submit social security numbers, and know that you are on a computer data base available to any law enforcement agent, upwards of 60,000 people are now legally carrying concealed weapons. Homicide rates have dropped 20% in four years, almost precisely as predicted by University of Chicago Professor John Lott, the researcher who has done the most meticulous and extensive study of shall issue weapons laws.

How many more lives could be saved if the unreasonable and unconstitutional restrictions were removed? In 1998, an attempt was made to reform the law which resulted in two improvements. First, the number of people who were eligible to obtain the permit was changed from only Arizona residents to

include all U.S. citizens or Arizona residents. Second, DPS was directed to establish reciprocity with any State which had a "Substantially Similar" statute, a mild first step toward the common sense idea that a firearms permit should be treated just like a drivers license, valid throughout the country. I predicted at the time that "Substantially Similar" would not result in any reciprocity because the bureaucracy would require that another state's statute to be exactly the same as Arizona's. Well meaning DPS employees assured me that this was not the case. We are now told that there will be no reciprocity because no state's statute is exactly the same as Arizona's. Even though Arizona does not recognize any other states permit, several other states recognize Arizona's permit as valid. While this may not be a precise or inclusive list because legislative action in several states may expand it, the latest information that I have is that the Arizona permit is recognized in Alaska, Idaho, Indiana, Kentucky, Michigan, Utah and Wyoming. I am convinced that legislation to require recognition in the entire United States would have already passed, were it not for rabid opposition from the White House. This year the State Legislature will consider a commonsense suggestion to remove the criminal penalties from concealed carry while leaving the permit system in place for reciprocity purposes. Other possibilities include reducing the hours of instruction for the permit and eliminating the requirement for fingerprints, which several states do not require, and which is not cost effective. The legislature may further instruct the Department of Public Safety, which has made a number of restrictive administrative rulings on the law.

**A**dministrative rulings by DPS reflect their early opposition to the law. DPS ruled that 13-3102(C)4, which states that persons that are specifically permitted by the state or federal government shall be exempt from prohibitions on carrying weapons in schools, polling places, establishments serving alcohol, does not apply to the CCW permit. Since we now know that CCW holders are more law abiding than police officers, it seems reasonable that they should be able to carry anywhere that police can. DPS has ruled that people who were convicted of a felony can never obtain a CCW, even if they have had their rights restored by a court. They have ruled that they will prohibit people with a domestic violence misdemeanor conviction from obtaining a CCW, even though there is no provision to do so under Arizona law, and the Arizona Supreme Court decision clearly states that local law enforcement is not required to enforce Federal law. DPS also ruled that fingerprints are required for renewals. When questioned about this requirement (fingerprints are not supposed to change) DPS could



only offer a lame excuse about someone taking over another's identity after the person died. Others have suggested that DPS was pressured by the FBI, because all fingerprint cards are sent to the FBI, giving them a data base on Arizona CCW holders as well as the \$26 fee per card. This may also explain the DPS insistence that the social security number be included on the fingerprint card, even though the courts have ruled that social security numbers are not to be used for identification. A few years ago, in the face of public pressure, Florida eliminated the requirements for fingerprints on renewals. DPS could do this unilaterally, showing good faith, but this seems unlikely given the bureaucracy's desire to pass the buck to the Attorney General, and Bill Clinton's appointee Janet Napolitano's election to the AG spot. DPS also decided not to notify permit holders that their permits were about to expire, an action that is hard to justify. The latest questionable ruling that I have heard is that DPS is forbidding CCW instructors to teach classes outside of the State! This seems directly in conflict with the legislatures intent in opening the Arizona permit system to all U.S. citizens. While these administrative rulings may seem ridiculous, they appear to be grounded more in a peculiar desire to avoid all liability than because of anti-constitutional sentiment. DPS has done a tolerable job of administering the law without abusing it. DPS employees are caught within the system, trying to provide good service with a minimum of personal risk.

Appeals court cases have been used to broaden legal restrictions on gun owners far beyond the original meaning of the law. 13-3102 provides a clear definition of when a weapon is concealed, and exceptions to that definition. Appeals court judge Voss, a Rose Mofford appointee, wrote an opinion in *State v. Moerman*, that the legislature did not intend what it said, but rather something else. This ruling has muddied the waters concerning the definition of concealed carry, giving further incentive for the legislature to eliminate the criminal penalties for this socially responsible act. Voss was also partly responsible for a ruling on the knowing possession of a "prohibited weapon" and what was considered "permanently inoperable". The judge ruled that because a technician at the state crime lab was able to machine nonstandard parts from those found at the defendants house to create a functioning firearm, even though the defendant claimed that the firearm had never been operable, and factory manufactured parts would not have made it operable, that the defendant knew he had the parts, and was therefore guilty of "knowingly possessing" a prohibited weapon. Because of this ruling, we now do not know what a permanently inoperable weapon is. A block of steel can be made into a prohibited firearm, given sufficient time and machining. The old, understood standard that if replacement parts could make a firearm operable, it was not permanently inoperable, has been displaced by this new, grey standard. An appeals court has gutted the Arizona preemption law by finding that local ordinances, when stricter than

state law, do not conflict with state law. A bill has been introduced into the House to clarify the preemption language.

State law now forbids minors to carry firearms in Maricopa and Pima counties, with numerous exceptions for hunting, private land, ranching, accompanied by grand parents, parents or certified instructors. Worse, a federal law was slipped into one of the 4000 page omnibus bills that now pass for legislation, that forbids minors from possessing a handgun except if they are in possession of written permission from a parent. The law was said to be modeled after the Arizona law. Theoretically, a parent teaching their child to shoot is now in violation of federal law if the child does not have a note from the parent in their possession. State law now grants the authority to peace officers to impound firearms from people involved in domestic disputes. If the police respond to a domestic dispute and discover (they can ask) that there are firearms present, they can impound them for at least 72 hours, and maybe more, without a hearing. Only a few conscientious officers are likely to brave the potential liabilities that this law creates, and not impound the firearms. While the law differentiates between firearms owned by the aggressor and the victim, this makes little sense if they are living in the same household. Nor is it easy to differentiate between the two. The federal Lautenberg amendment, which is widely thought to be unconstitutional in several ways, forbids persons under a domestic restraining order from possessing firearms or ammunition, as well as those convicted of a domestic violence misdemeanor. Arizona law defines domestic violence very broadly, from criminal trespass to yelling at a related person. Given such broad definition, the new, harsh penalties are subject to grave abuses.

The federal ban on firearms within a thousand feet of a school has been passed under Presidential pressure, in spite of the 1994 Lopez decision ruling by the Supreme Court that such a law was unconstitutional. Minor changes in the law include an exception for CCW holders to possess (but not to fire) firearms in these federally created defenseless victim zones.

There have been some positive actions in the State this last year. Some observant individuals noticed that the Department of Transportation (DOT) had posted signs at interstate rest stops requiring that "firearms remain in the vehicle". When asked about their authority to post such signs, DOT responded that they could post their property, just like any other private property owner. Since this prohibition had no basis in state law, a group of civic minded citizens decided to have a picnic at a rest stop. The Department of Public Safety was invited, as were television and radio networks. The Department of Transportation was informed, and all were told that the picnickers would be exercising their constitutional rights to keep and carry arms. Good television coverage resulted in an hour long radio show on a Phoenix station. The Governor's and DOT telephones started ringing, and

did not stop until the Governor ordered DOT to take down the signs. When asked if this meant that the state recognized that the rest stops were not private property, the Governor's representative said no, it only meant that they were taking down the signs. It appears that commercial establishments are recognizing the advantage of having CCW holders in their establishments, and the liability that they incur when they prohibit weapons on their premises. The number of places prohibiting weapons has decreased substantially in Yuma, with Wal-Mart, K-Mart, the hospital, and the Department of Transportation all being places that have taken down their "No Weapons" signs.

At the State legislative level, there appears to be a slight positive trend toward restoration of the clear language of the State constitution, while statist judges seem prepared to twist the meaning of words beyond all recognition to further restrict the right of people to defend themselves. Regulators are acting like regulators, trying to expand their empires. The federal government, under the leadership of the most anti-gun President ever, has been able to create new restrictions by pushing and bullying a congress afraid of an media deliberately ignorant of firearms. Arizona, while imperfect, remains one of the less restrictive states in firearms law. The legislature appears to be the most likely avenue to restore "The right of the individual citizen to bear arms in defense of himself or the State."

*Dean Weingarten is a firearms instructor certified by the NRA, the State of Arizona, and the State of Louisiana to teach Concealed Carry Weapons classes. He is based in Yuma, Arizona.*

*"Hornberger," continued from page 1....*

manship is not up for election, but **Fran Van Cleave** will be resigning the chair after the close of convention business (and before the Executive Committee meeting next morning), due to an impending move out of state. As a result, whoever is elected Vice Chairman will automatically become Chairman, and the ExCom will appoint a new Vice Chairman.

Entertainment before dinner will be a new treat this year, with musical and other performances with libertarian themes.

If you'd like to carpool or caravan to the convention, please contact your county chairs [see p. 11 —Ed.] — or, in a pinch, try Kent Van Cleave at (520) 755-6361 or [kvc@compuserve.com](mailto:kvc@compuserve.com). If there's enough interest, he'll establish a carpool bulletin board at the ALP's website, [www.lpaz.org](http://www.lpaz.org).

If you've never attended an ALP convention, it's high time you discovered what you've been missing! We'll see you there!

**REGISTER NOW!**  
Info and coupon are on p. 4.



# JESUS IS A LIBERTARIAN

## A Pro-Life Libertarian!

by David McElroy

I find it peculiar that many professing to be Libertarians find abortion an acceptable "choice." It is rather apparent that killing children would be a gross violation of our good Libertarian principles! Let's look at them...

Our Libertarian Party membership card states plainly that: "We hold that all individuals have the right to exercise sole dominion over their lives, and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal rights of others to live in whatever manner they choose."

The first argument put forth by pro-abortionists is that they do not include the pre-born among "all individuals" — an argument which dehumanizes the fetal child. They do this by arguing that in the early months of a pregnancy, the product of conception is no more than a "blob" — no more worthy of life than a wart which may or may not be chosen for removal.

Such arguments defy the fact that all "individuals" begin life as immature, helpless little creatures. They may be incapable of surviving outside the womb, but much scientific evidence and common sense tell you they are human beings with distinct individuality. Each child has its own genetic code, a beating heart and a developing mind. Each child has its own fingerprints, and its blood type doesn't always match mama's. These are traits of a living individual. Humans conceive humans. The woman's unborn child may be very undeveloped or immature, it lacks ability — but is truly human. The proof is in the fact that if allowed to live, the fetus will obviously be a human — not a "blob," not a snail or a whale or a puppy to be put to sleep when it no longer suits us. When we agree to dehumanize categorically, we debase all humanity.

Libertarians "have the right to exercise sole dominion over their lives," but a child's life is that of an "other" who should "have the right to live". The right to life is not a matter of choice — contraception and abstinence are. By scientific definition, life begins at conception, which produces a pre-born individual being of like kind — not some parasite to be destroyed as vermin!

Libertarians state "the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal rights of others to live..." Abortion is certainly not chosen by the pre-born child! It is the forcible interference of fatal violence! Aborted babies are not afforded "the right to live". They are not afforded equal rights! They are killed!

Some put forth the argument that like pregnancy, abortion is a matter of privacy — that whatever a woman does with her body is her business. But a baby's body is that of an "other". And killers always prefer secrecy. Does murdering a person in private

make it ok? This is another effort to dehumanize our children in the guise of "planned parenthood." They even argue that too many kids are unwanted — that merely being unwanted justifies killing. Nazis used that argument. Who else might be unwanted? Abortionists?

If we are to be afforded sole control over our bodies, why does the law force us to wear seatbelts or motorcycle helmets against our will? Why are some forced to receive vaccinations against their will? Why is it that a child may not be given an aspirin or have their ears pierced without parental consent — but any little excuse is sufficient to abort a minor teen's child without parental knowledge or consent? Common sense speaks loudly to the fallacies put forth by liberals — betraying an illogic stemming from a lack of principles recognizing "the equal rights of others" in their MAD efforts to manipulate demographics. The shortage of young native-born workers causes a mass influx of foreign influences with immigrants taking jobs that 38 million aborted American babies might have grown up to do. These foreign influences are leveraged against our American Heritage when we kill our own!

Liberals are insisting — with the "right to choose" — that they have the right to choose who will be "others" afforded the right to life, and who will be "biological waste." The "Quality of Life" arguments they stand upon identify them more closely with tyrants like Hitler, Stalin, & Chairman Mao, than Libertarians. Yes, those using live aborted babies for cruel experiments as President Clinton authorized immediately after he was first sworn in as our president.

As I recall, Jesus was a Libertarian. Yes, he afforded people the right to choose between good and evil. But he warned them of the consequences of choosing poorly, selfishly and hatefully. "The wages of sin is death," Christ said, and "those that live by the sword (scalpel?) shall die by the sword." When he said "suffer the little children to come unto me," he didn't mean send them to Heaven suffering abortion!

"Thou shalt not kill" is among the Bible's Ten Commandments of God recognized as the foundation of our Western Civilization. But as the debacle in the White House illustrates, liberals have brought us to the point where our president insults our intelligence by debating the meaning of the word "is". Our nation, once the champion of liberty, now routinely kills its children to use their bodies in cosmetics and medicines to restore vitality to the old. Is this much different from the evil vampires sucking blood to live? If we can't stand for the equal right to life, the taboo against murder, what can we stand for? Would anything else

matter? Are people no more than commodities? Are we just meat on the table? The twisted law has done much to define us in those terms, reducing all of us to chattel — the pre-born merely the property of the mother, and the rest of us belonging to the state.

Yes, Jesus is a Libertarian. I am a Libertarian, with a good Bible education cited in my B.A. from Fresno Pacific College — a Mennonite school. And I agree with Pope John Paul II, who in St. Louis decried America's "conflict between a culture that affirms, cherishes and celebrates the gift of life, and a culture that seeks to declare entire groups of human beings — the unborn, the terminally ill, the handicapped... to be outside the boundaries of legal protection."

Yes, Jesus is a Libertarian. He summed up the Libertarian Party statement of principles when he summarized the Law of God as loving God (His principles!) first and foremost, and to "do unto others as you would have them do unto you." Abortion is murder inflicted upon the most helpless victims. I can support all the other planks in the Libertarian Party platform, but I must stand with Jesus against abortion forever.

Abortion is clearly in contradiction to our Libertarian principles. Refusing to go beyond opposing public funding for the abortion industry fails us. It fails our children. If we insist on perverting our logic to cater to liberal numbers, we are on a perilous path fraught with deceptions that trick us into killing our children and aiding tyrants.

*David McElroy represents the "minority view" on the abortion issue. He can be reached at (602) 265-4827 or DAMcElroy@Juno.com.*

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Howard Blitz	(520) 726-8050
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## TOBOGGAN RIDE TO TYRANNY

by Rick Tompkins

Your right to trial by a randomly selected jury — *not* one stacked in favor of conviction by “voir dire” questioning designed to weed out anyone who may disagree with the government’s view of things — is gone.

The IRS can now *seize* your bank account, your *paycheck*, your house and car — all without giving you a day in court, without so much as a judge’s order. And your banker will help them.

White-haired Vietnam veterans and their wives — and a 70-year-old Russian immigrant engineer — are doing federal time despite the fact that they never saw, touched or sold a single gram of cocaine or marijuana. But they still call it the “War on Drugs.”

The founders guaranteed Americans the RIGHT TO KEEP AND BEAR ARMS. Why? Noah Webster wrote in 1787: “The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a

force superior to any band of regular troops that can be, on any pretence, raised in the United States.”

But the meager “legal” arms of the Branch Davidians didn’t give them much chance against the government tanks and helicopters at Waco. Registration of military-style arms has now led to confiscation in once-free England and Australia. And *national gun registration* began in the United States on Dec. 1, 1998.

America’s *public schools* are now little more than mandatory youth propaganda camps, training little *government snitches* to turn in their own families for “Politically Incorrect” behavior and speech. The literacy of the average graduate is reduced to the point where he or she now rings up your order by pushing the big yellow button with the picture of the cheeseburger.

How did we get to this point, and is there any peaceful way back from the toboggan ride to tyranny?

That is the question posed by America’s syndicated Libertarian columnist, Vin Suprynowicz, in his new book, *Send in the Waco Killers*.

This blockbuster book is an absolute must-read for anyone who loves freedom. If you want a unique perspective on what has been done to America, what is now happening in America, and what is in our future, buy this book. Buy several, and spread them around. Name an issue, and you’ll find it covered in Vin’s well-known style. In 500 spell-binding pages, the many depredations of modern creeping tyranny are exposed and illuminated.

None of your Caspar Milquetoast, watered-down, “let’s try to please everyone” libertarianism here. This is the real McCoy. Suprynowicz tells it like it is, and in this writer’s opinion this book should become a fountainhead of freedom, a fantastic outreach and educational tool for *real* Libertarians everywhere.

*Send in the Waco Killers*, a Mountain Media book, will be released in trade paperback at \$21.95 on March 1, 1999. Bulk discounts are available. Contact Mountain Media at P.O. Box 4422, Las Vegas, NV 89127-4422, via telephone at (702) 656-8855, or via e-mail at [vin@lvvj.com](mailto:vin@lvvj.com). To order single copies by credit card, call Huntington press at (702) 252-0655.

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