

# LIBERTARIAN LIFELINE



## Kubby Launches Ambitious LP Campaign for Governor

### Libertarians Step Forward for Statewide Offices

Steve Kubby, a Lake Tahoe author, publisher, entrepreneur and medical marijuana activist, has announced his intention to seek the Libertarian Party's nomination for Governor of California. Kubby plans an active campaign to capitalize on the success of Proposition 215, the Compassionate Use Initiative, which he and the Libertarian Party helped bring to victory before the voters in 1996.

Diagnosed with adrenal cancer in the 1970's, Kubby discovered first-hand the benefits of using marijuana for the treatment of the debilitating effects of chemotherapy. Although his cancer is now in remission, Kubby also has first-hand experience as a businessman with the malignancy of an incompetent regulatory government that punishes ambition and initiative while simultaneously rewarding graft and corruption. As governor, he promises to dramatically reduce the power of the state government bureaucracy as well as its cost.

Kubby will make opposition to the War on Drugs a cornerstone of his campaign. "The failure of our political leaders to investigate alternatives to prohibition is particularly puzzling in light of the complete failure of prohibition to solve the drug problems that concern us all," Kubby has claimed in a recent press release. Kubby has called for an end to the War on Drugs and proposed to use the billions of dollars saved to declare a Peace Dividend for our children.

"It is time for our political leaders to admit their failure. Politicians who claim they are tough on drugs have wasted hundreds of billions of dollars and ruined uncounted thousands of lives pursuing their puritanical notions of what drugs people should and should



not use."

Kubby is the father of two children, the founder and publisher of *Ski Westmag*azine, author of *The Politics of Consciousness*, and editor-in-chief of *Alpine World On-Line*, a popular internet web site for winter sports enthusiasts.

Other Libertarians who have declared their intention to seek statewide office include Tom Tryon for Lieutenant Governor, Gail Lightfoot for Secretary of State, Jon Petersen for State Treasurer, Joe Farina for State Attorney General, Jesse Baird for Insurance Commissioner and Ted Brown for U.S. Senate.

Tom Tryon has the distinction of being the highest level elected Libertarian in California, having served two terms as a county supervisor in Calaveras County. Both Gail Lightfoot and Ted Brown are former Chairs of the Libertarian Party of California. Jon Petersen has served the LPC as both treasurer and as the current Northern California Vice Chair. Joe Farina is a practicing attorney and former chair of the Sacramento LP.

Please note that these are only the announced candidates to date; we still need a Libertarian to run for State Controller and many legislative and congressional seats which will be up for grabs in November 1998. The filing deadline for these offices is January, so there is still plenty of time to fill the slots, but the earlier we launch campaigns, the more momentum we can build before election day.

For more information on the Kubby for Governor campaign, point your web browser to <http://www.alpworld.com/kubby98>, or send email to [kubby@alpworld.com](mailto:kubby@alpworld.com). □

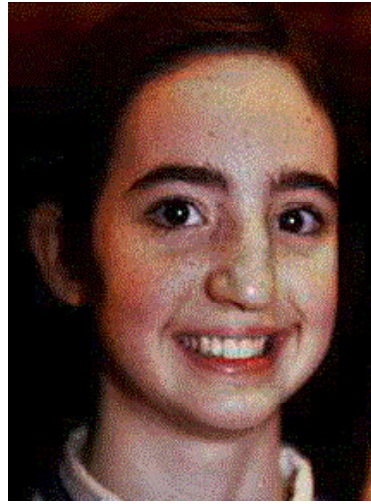
Steve Kubby Wants to be California's First Libertarian Governor

# Educational Freedom Spells School C-H-O-I-C-E

On May 28, 1997, Rebecca A. Sealfon won the 1997 Scripps-Howard National Spelling Bee by correctly spelling the word "euonym." In the final round, only two contestants remained in the competition until the second place speller faltered on the Italian-derived word "cordile."

Rebecca is a bright, ambitious 13-year-old from Brooklyn, New York who enjoys chess, playing piano, swimming, biking, and working with computers. In 1996, she placed eighth in the Scripps-Howard Spelling Bee. She has also participated in the Johns Hopkins University Center for Talented Youth, qualifying for summer programs in math and English. Rebecca is a typical teenage girl in almost every way—except for her education. She has never attended a public *or* a private school. Rebecca's worthy achievement is the latest high-profile accomplishment of a child educated at home by her parents.

Many people find it difficult to believe that almost *all* children were home-schooled as recently as 150 years ago. Parents were once obligated to provide an education for their



*Rebecca Sealfon, Spelling Bee Champion*

children any way they could, and had the freedom to either hire a tutor or a governess, enroll their children in a private school, form a cooperative school with other parents in their community, or teach their children by themselves at home. As the worldwide shortage of "Mary Poppins" governesses became critical, and the population of children needing an education increased,

the government decided to shoulder the burden of education by developing our present system of public schools.

From the shameful legacy of "Separate but Equal" segregated schools of the past to our present reality of crumbling, crime-ridden schools with metal detectors at the entrances and armed guards at the exits, the public school system has been an undeniable failure. Yet at regular intervals, voters are repeatedly asked to increase their own taxes to fund bond measures to pour more and more money into these failing black holes of waste. Nationwide, taxpayers invest over \$316 billion into education, the second largest entitlement program in the nation behind Social Security and just ahead of Medicare/Medicaid. But more and more parents are concluding that they aren't getting their money's worth out of public schools. 50,000 children in California alone have been pulled out of public schools to be educated at home. Since public school funding is based on average daily attendance, this mass exodus from government schools represents a tremendous loss of revenue for the education bureaucrats, who are doing everything in their power to discredit home schooling.

Homeschooling isn't for everyone, to be sure, but as its popularity grows, the free market responds with more and more resources targeted at homeschooling families. Major textbook publishers and curriculum developers tend to concentrate on their biggest customers (state education boards and school districts) who buy large quantities of materials; but recently, small independent education publishers have begun developing low-cost, high-quality teaching materials marketed directly at parents educating their children at home.

The phenomenal growth of the internet has only accelerated this trend. There are now dozens of on-line resources for home-schooling including computer-based tutoring, electronic testing and assessments and self-paced study tools. Ironically, many of the new homeschool support organizations have been founded by public school teachers who gave up on the government-run system.

For more information on homeschooling on the internet, see <http://www.homeschool-ed-press.com>. □

## LIBERTARIAN LIFELINE

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**Editor:** Terry Floyd

**Printed by:** East Bay Region LP

**Chair:** Doug Ohmen (510) 820-0812

**Alameda Co. Vice-Chair:** Jeffrey Sommer

**Contra Costa Co. Vice-Chair:** Jean Marie Walker

**Treasurer:** John Taylor

**East Bay Party Line:** (510) 531-0760

**The Common Sense BBS:** (510) 713-7336; 1200-33600, 8-N-1

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# From the Chair

We have recently heard the obscene description of a party of movers and shakers in San Francisco. According to reports, one person with a knife was carving symbols on the nude back of another person. In another case, one person forced a bottle of whisky up the rectum of another. This all took place in front of about 300 important people. According to reports, the party got worse later, although that is hard to imagine.

The people who attended this party are many of the people who are big in San Francisco and California politics. When the information leaked to the press, they all said that "of course, they left early before the bad stuff happened." One wonders who stayed to report what happened. The person who threw the party has been compared to a madam in a house of ill repute. I disagree. A madam provides a service and her customers pay their own money for the service. The person who provided this party was being paid from government funds, or was being paid by people who receive their money from government funds.

As a person, I am revolted by this type of activity. As a Libertarian, I have nothing to say about this type of revolting activity. If the people who attended this party are so gross that this turns them on, then I am very glad that I will never be invited, and would leave immediately if it started to happen.

But I am outraged that people of power and influence use government funds and profits from government funds to throw any type of party, much less one like this. The person who threw the party is campaigning to have the people of San Francisco pay for a new stadium for his boss. A party for 300 people is not cheap. The money had to come from somewhere. It came from the expectation that the people of San Francisco will make his boss so rich that enough will dribble down to the person throwing the party, to cover the festivities and still let him live an ostentatious life. He will probably write off the party on his income taxes!

This is all wrong! There is no reason for the people of San Francisco to supply \$100 million dollars in a bond issue for a stadium to be used only by a private sports team. There is no reason for the people of San Francisco to be paying for a shopping center that will make a profit for the same private individu-

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als. The \$100 million dollars will be paid by taxpayers. An estimated additional \$200 million dollars in interest will also be paid by taxpayers. If this were such a good deal for the people supplying the \$100 million dollars in the loan, then why doesn't the owner of the football team borrow the money and make a big profit. Can any one say "Oakland Raiders?" The government has no business in the sports and shopping center business except (possibly) to supply the streets to the location.

What can we do about this kind of travesty? First we must condemn it every chance we have. Second, we must change the government. We can only do this by getting elected to office. There is no other way: Wishing won't work, prayer is futile, letters to the editor don't get printed when the editor gets invited to the party. We must get elected to offices where we can make a difference. That is up to us.

Several of the people from the Party came to the Safeway Store in San Ramon at the corner of Crow Canyon and San Ramon Valley Boulevard on May 24. (Stop in and tell the manager we appreciate being allowed to set up our table.) When we were, there Scott Vorie came up and said that he thought that he might run for the Sanitary District Board in Fremont. If he runs and wins, he could make a difference in one part of government that affects everyone in that city. I cheer for Scott and anyone else who will step forward and put their name up for office. It does not have to be for President, (been there, done that). Scott has a better chance of making the country a better place than I did. I think that he is great and I support him.

How about each of you? There are hundreds of elected jobs out there and each of them has ticks who want to get into that office and stay there so they can get the perks: the pay, the car, the "study session" in Antigua. Scott will go into the office and try to save money for the people who pay the taxes. Very few other people will.

We all need to think about running for office or supporting someone who is running. In next month's Lifeline we will have a table of the offices that are up for this fall's election. Do think about running or supporting a Libertarian candidate. It is the only way we can make a difference.

--Doug Ohmen

# JURY DUTY -- THE POWER OF THE PEOPLE

*by Marion McEwen*

The original concept of our form of government was that the people are the government. To insure the power of the individual the founding fathers put limits on elected officials and added the Bill of Rights to the Constitution. As individuals, we vote to elect our representatives. We also have the right to judge the laws these representatives enact.

The right to a trial by a jury of one's peers is, like the 2nd Amendment, a check on our elected representatives. It affords the community an opportunity to examine the laws passed by our legislators. As jurors hear the case before them their duty is to judge the facts of the case. It is their right to judge the law as it is applied to the case they are hearing.

Every individual juror casts a vote. That vote is a reflection of the evidence they have heard, their experience, knowledge and their conscience. If a defendant is accused under an unjust or immoral law any or all of the jurors have the right to vote not to convict. Even if the law applied to a case is just but misapplied any juror has the right to vote their conscience. When juries repeatedly refuse to convict under a particular law district attorneys have no choice but to stop prosecuting individuals arrested for violations of that law.

Jury nullification has repeatedly changed the moral climate of society. All of our first amendment rights are delineated in the Constitution because jurors in England and the Colonies used their right to judge the law in the case they were hearing. The founding fathers cognizant of the Salem witch trials, the William Penn case and the John Peter Zenger trial, enumerated those rights which were upheld in those cases. From the Zenger case we have freedom of the press. The history of the Salem witch trials made it imperative that freedom of religion be enumerated. William Penn's trial in England was not only a case that delineated the importance of freedom of religion but made it clear that freedom of assembly was also important.

At the time of the William Penn trial, in 1692, the

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king was the head of state and church as is the monarch today. The difference then was that anyone practicing a different religion was risking imprisonment. Penn's Quaker congregation gathered to worship only to find that their church was locked and guarded by soldiers. William Penn began the service on the church steps and was arrested along with his associate William Mead. The jurors hearing the case were headed by a Puritan, Edmond Bushell. They refused to convict Penn and Mead as charged under the unjust law. The jury was fined. The four who refused to pay, including Edmond Bushell, were thrown into the infamous Newgate Prison. Able to bribe the guards they did not suffer the torture reserved for poorer prisoners and they received enough food to keep them alive until their case could be heard in the high court.

The high court, under Justice Von, ruled in the jurors favor and delineated the right of jurors to vote their conscience and not be prosecuted for their vote. This landmark case is the only one noted by a plaque on the outside of the building where the Old Bailey Courthouse stood. Its fame was so noted that nearly one hundred years later our founding fathers knew to designate all of the rights it covered as rights we enjoy.


When it becomes clear that community sentiment is widespread, legislatures are forced to relinquish their control and repeal the law that the community will not endure. A most crucial point in our history came when Abraham Lincoln signed the Emancipation Proclamation ending slavery. Lincoln did not want to sign but was forced to. Not by any special interest group or delegation from Congress but by the people. As support for slavery waned, prosecutions under the Fugitive Slave Act became nearly impossible in the North. Northern jurors would refuse to convict abolitionists creating a dilemma for prosecutors and northern legislatures. Lincoln was forced to act despite his fears that former slaves would be seated as jurors and more power would be returned to the people. This fear was not realized because southern law officials made it impossible for blacks to register to vote. Until recently, only registered voters were called to serve on juries.

Jury nullification has played an important role at two other times in our history when government tried to force the people to comply with stupid laws. Government and big business tried to stop the formation to unions. Laws restricting freedom of assembly were supposed to stop people from forming and joining unions. Jurors refused to convict union "agitators." In an

attempt to get around people's power, big business went to the Supreme Court which ruled that judges did not have to tell jurors of their power to judge the law. Since that ruling in 1895 judges have kept this power of the people a secret. During prohibition jurors either because they remembered their history lessons or felt the 18th Amendment was a bad law would refuse to convict. As more and more defendants were set free by jurors' votes, law enforcement of the 18th Amendment was increased. But the community continued to speak and legislatures had to listen. The 18th Amendment was repealed in December of 1933 nearly fifteen years after its enactment.

Even without direct instructions, jurors have voted their conscience and refused to convict in some cases, most notably in the '60s when young men were prosecuted for refusing to heed their draft notices. As police power increases and laws aimed at restricting our rights increase, this power to nullify unjust, immoral or stupid laws becomes ever more important. If we are to preserve the 2nd Amendment, enforce people's right to choose their own medicine and otherwise retain our liberties, we will have to vote our consciences' as jurors. We also need to inform people of this right.

Thousands of laws are enacted at every level of government each year. Many more restrictions are just forced upon segments of the business community or groups of people through the ever increasing number of agencies which seek control over our lives. Advertising, which should be protected by the first amendment, is under attack by the ABC, the FTC and the FDA. These attacks are justified as protection of "our children." We are being forced to give up our rights to protect our children from "big business." The same "big business" which receives enormous subsidies from the government which claims to be protecting us and our children from the "evils" of "big business." Which is it? Do we support corporate America or do we support big brother? Or both?

No government entity will relinquish the power that it has gained over the last century. In fact, government will continue to grow and increase its own power. Our ability to limit it is increasingly endangered. The power to nullify laws becomes more important as it becomes more threatened. State legislatures are moving to decrease cases heard by juries and to decrease the number of jurors hearing any particular case. It is incumbent on Libertarians to remind "the people" of this power. We have the ability to move the world in the direction of Liberty. To not do so is to give up our power and relinquish our rights. 

## Bills to Watch

As usual, the politicians in Sacramento are up to their usual tricks and a number of ridiculous bills have been introduced in the Assembly which Libertarians should actively oppose.

AB 610 (Margett) is an attempt by politicians to re-write Proposition 215, the Medical Marijuana initiative, to turn sick and dying Californians into cash cows for the state government bureaucracy. Although Prop. 215 made it legal for patients in California to grow their own marijuana for medical purposes, AB 610 repeals this provision and requires medical marijuana to be produced only by "licensed" distributors.

The bill would authorize marijuana for medical purposes to be grown only through a grower licensed by the Department of Agriculture, following certain guidelines. The bill would require a grower to pay \$20,000 as a licensing fee to the Department of Agriculture to pay for the costs of monitoring growers, and a 10% tax on the sale of the product for education and enforcement by state law enforcement agencies and the Department of Agriculture. The bill would require a grower to complete a training program. The bill would require a supplier of marijuana to be licensed by the State Board of Pharmacy. The bill would require a supplier to pay \$20,000 as a licensing fee to the State Board of Pharmacy to pay for the costs of administration and enforcement, and a 10% distribution tax on the sale of marijuana to establish an education public relations campaign.

AB 488 (Caldera) is a "peasant disarmament" bill to ban the sale, manufacture or possession of small, inexpensive handguns, so that only the wealthy may be able to protect themselves by owning firearms.

Contact your assembly representative by phone, email, snailmail, or FAX to urge them to oppose these insane new laws. Remember, these are only two of *thousands* of useless, unnecessary laws that will be imposed upon us if we don't speak up and let our elected representatives know how we feel!

# Redevelopment: Corporate Welfare

by Lou Filipovich

The consultant has found the blight. The lawyers have drawn up the papers and defended the agency from suits. The bond brokers have created the debt, to be paid by the tax increment that will surely flow.

Now should be the time to begin eliminating "blight," as required by state law. In reality, very little is ever heard again about blight. Redevelopment agencies are primarily driven by creating new revenue. Since most cities with redevelopment have little or no real blight anyway, creating new tax revenues becomes their prime goal. They do it in two ways:

**Debt:** As we have seen, an agency incurs debt to be paid by future property tax diversions. In this way, it can perpetuate its own activities indefinitely by continuing to borrow.

**Sales tax:** by promoting commercial development, a redevelopment agency can claim to be stimulating new sales taxes that benefit the city's general fund! In this way, it tries to justify itself to the citizenry, usually along with council members approval who also double as agency directors.

By state law, a city's sales tax share is 1% of all taxable purchases; and sales taxes are site-based. If you live in San Leandro and buy an automobile in Oakland, all of the sales tax share from the car will go to Oakland, and none to San Leandro.

Cities have long been motivated to attract sales tax generators. City and chamber of commerce officials have touted their location, access to markets and city services. New department stores and auto dealers have been greeted with ribbon cuttings and proud announcements in newspapers.

Redevelopment has escalated this to a new level. Now with redevelopment, cities have the power to directly subsidize commercial development through cash grants, tax rebates, or free land. Spelled out in a "Disposition and Development Agreement" (DDA), a developer receives lucrative public funding for projects the agency favors. Some receive cash up front from the sale of bonds they will never have to repay. Others receive raw acreage or land already cleared of inconvenient small businesses and homes. They purchase the land at substantial discount from the agency. Many

times, it is free!

Redevelopment subsidies are not distributed evenly. Favored developers, giant discount stores, hotels and auto dealerships receive most of the money. Small business owners, already burdened by regulations and taxes, now must face giant new competitors funded by their own government.

Redevelopment has accelerated the centralization of economic power among ever-fewer corporate chains at the expense of locally-based independent businesses. Certainly large retailers such as Price Club, Home Depot and Wal-Mart provide valuable service and have every right to compete, but are they entitled to government subsidies?

This costly distortion of the free enterprise system is justified as the only way to boost local sales tax (ending "blight" has long been forgotten by now). Yet if new developments are justified by market demand, they will be built anyway. If not, they will fail, regardless of the subsidies.

Redevelopment has resulted in a vast overbuilding of vacant commercial space stimulated by more tax subsidies than by actual consumer demand. As cities become more predatory, financial "incentives" are needed not just to attract new businesses, but to keep long-time retailers from moving away to neighboring cities. Large retailers routinely play one city off against another for the greatest pay-off. Wasteful bidding wars among cities escalate.

Particularly avaricious are professional sports franchises. Teams ranging from the San Francisco 49ers to the Lake Elsinore Storm have demanded public (tax-financed) stadiums. Anaheim, Los Angeles, Inglewood, Oakland, San Diego and others have also committed vast sums of redevelopment money for facilities demanded by the franchise owners. Exactly why taxpayers must subsidize wealthy team owners and their multi-million dollar player salaries is never explained.

**Footnote:** Redevelopment has become a massive wealth-transfer machine. Cash and land go to powerful developers and corporate retailers while small business owners, taxpayers and especially renters and residential property taxpayers must pay the bill. □

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This is the fifth installment of a ten part series on the growth of Redevelopment Agencies in California. Part Six, entitled "Predatory Redevelopment: Sales Tax or Shell Game?" will follow in next month's **Libertarian Lifeline**.

## THIS MODERN WORLD

by TONY TONDERON

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# MEMBERSHIP APPLICATION

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# CALENDAR OF EVENTS **JUNE**

**Tuesday, June 3, 1997. Election Day:** Be sure to go to the polls and vote against every tax increase on the ballot. In Alameda County, this includes Measures C, J, O and E, all of which are special assessments that were imposed on us by the County Board of Supervisors. Thanks to the passage of Proposition 218 last November, these taxes must now be put to the voters before they can be continued.

**Sunday, June 8, 1997. San Jose Gay Pride Parade:** Join the Santa Clara Libertarian Party and support sexual freedom by marching in the San Jose Gay Pride Parade and help staff the LP's information booth at the festival immediately to follow. Volunteers are needed to set up and staff the booth for all or part of the day. You need not be gay, lesbian or otherwise to march in the contingent. If you are interested, please call Don Cormier, Activities Chair, at (408) 296-7264, Brad Walker, Vice Chair, at (415) 964-4862 or Allen Rice at (408) 435-5319 for more information.

**Sunday, June 8, 1997, 3:00 p.m.: Is Gender In Our Genes? A Debate between Sharon Presley and Robert Sheaffer.** Resources for Independent Thinking presents a sizzling debate that is sure to be stimulating, lively and informative. St. John's Presbyterian Church, 2727 College Avenue, Berkeley, CA. Lots of FREE PARKING in the lot under the church building. Admission is \$8 if pre-paid, \$10 at the door. For more information, contact Resources for Independent Thinking, 484 Lake Park Avenue, #24, Oakland, CA 94610-2730 or call (510) 601-9450 (<http://www.well.com/user/rit>).

**Sunday Afternoons, 5:30 p.m.: The Libertarian News Hour** on Free Radio Berkeley, 104.1 FM, hosted by Jeff "Zippy the Yippie" Sommer, the voice of freedom on the airwaves originating from one of the last bastions of socialism in America, Berkeley, California. To speak to Jeff on the air, call (510) 594-8082. If you have internet access, check out the Free Radio Berkeley Web Site at <http://www.freeradio.org>

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