

LIBERTARIAN LIFELINE

Free Radio Berkeley Silenced

U.S. District Judge Claudia Wilken last month ordered the East Bay's (and the nation's) first completely free and independent pirate radio station to cease the "making of radio transmissions" from within the United States, or "enabling such radio transmissions to occur." Thus ends—for the time being—the station's brief, but monumental life as the first radio station in history to broadcast for more than five years without a license from the Federal Communications Commission. Since 1993, FRB founder Stephen Dunifer has successfully argued that his micro-power broadcasting operation, the signal of which never exceeds 60 Watts and fades into infinity anywhere beyond a 3 mile radius of the transmitter, is protected free speech under the First Amendment.

The day of the Judge's decision, the staff who make up the operations of FRB held an emergency meeting to determine what to do next. Although a strong-willed group advocated returning to the station's roots and broadcasting from a mobile transmitter in a van driven through the Berkeley hills, the majority chose to lay low and await their next legal move rather than face the stiff \$10,000 fine or three years in prison should they disobey the injunction.

While the appeal awaits filing, legal circles and media interests watch with mild disdain if not complete disinterest. The National Association of Broadcasters fought like hell to crush the station, but what does a few million dollars mean to such behemoths? Now they can go back to their frantic, incestuous merger fixation because the FCC has a much distorted view of the meaning of the word "competition."

For \$10 a month, anybody with an idea and the guts to talk about it could tell the world just what the hell was going on. It didn't matter who you were or what you wanted to say. If you wanted airtime, you asked what was available, and you went on the air. The FM frequency used by the station, 104.1, was not in use by any commercial or government entity, and at the time of the Dunifer's first broadcasts, there wasn't even a class of license for such an operation. Thus, he never bothered to apply for a license that did not exist.

Free Radio Berkeley was home to such programs as Street Spirit, where a group of affable homeless (or

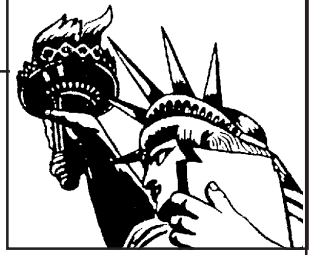
recently homeless) people would sit down and talk about things going on at the local level in the lives of people surviving without shelter on the streets. Then there was the Radical News Hour. Forget objectivity, this was news with an attitude. Nowhere else on the radio dial would you hear a traffic report that advocates the elimination of the internal combustion engine and revival of bicycle culture, besides telling you the obvious: that rush-hour traffic sucks.

And every Sunday afternoon from 5:00 to 6:00 p.m., the Libertarian News Hour provided exactly the same kind of attitude with a decidedly free spirited point of view. This went far beyond the limited exposure the LP receives from conservative talk radio programs on commercial stations. The Libertarian News Hour was *complete* freedom of speech, allowing those of us at the microphone to be as politically incorrect as we wanted. While some of this freedom occasionally ruffled the feathers of a few of the station's old-style traditional Berkeley Leftists, no one challenged our right to say what we wanted.

Dunifer argues, much as did Greg Penglis in his *Lifeline* article "Licensing Our Rights" (April 1998), that the FCC is using its licensing authority to prevent ordinary citizens from using the airwaves which they presumably own. Prior to 1978, it was relatively easy to obtain a low-cost license for non-profit broadcasters to use in the non-commercial band of the radio spectrum. That year, however, this class of license was eliminated. It now costs at least \$250,000 to obtain this kind of license, and the rest of the broadcast spectrum is being parceled out and sold to the highest bidders.

FRB was never any threat to commercial broadcast interests. The station's signal was too weak to interfere with the major station transmitters and the audience for FRB was certainly not the target market for commercial radio. Why then is the N.A.B. urging the FCC and the Department of Justice to create a joint task force to fight the proliferation of community micropower broadcasting operations? Why is the Minnesota Broadcasting Association and National Public Radio lobbying the FCC to prevent more of these renegade low-power stations from going on the air?

The real threat posed by FRB and similar radio stations is the very *idea* of free markets and free speech. Free Radio Berkeley provided not only a voice for citizens lacking the resources to pay for commercial broadcast



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access, but also the knowledge and technology to strike a blow for independence. Dunifer designs, builds and sells all the equipment necessary to set up a microbroadcasting operation. For less than \$2,000, anyone in the world can buy a transmitter and begin to exercise their First Amendment rights. There are now hundreds of "pirate" broadcasters all over North America. Dunifer has even donated a transmitter to the Zapatista rebels in the Mexican state of Chiapas.

Much as the internet has given anyone with a computer the ability to be a publisher, Free Radio Berkeley began a movement to let anyone with similar resources become a broadcaster.

FRB's first press release in response to the judge's decision stated, "The FCC, ignoring its mission to regulate radio broadcasting in the public interest, has developed rules which effectively concentrate radio ownership in the hands of large corporations while leaving the public excluded. Micropower radio, an inexpensive and simple-to-operate technology, offers a unique opportunity for community voices not served by the mainstream media. There are estimated to be thousands of microbroadcasting radio stations throughout the United States and the national 'free radio' movement is challenging these FCC rules."

If you support the concept of free speech for everyone, not just millionaires, contact FRB and help them fight to get back on the air. Visit the website at <http://www.freeradio.org>. □

LIBERTARIAN LIFELINE

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Measure A Rises from the Grave

by Greg Lyon

The opposition to Measure A to raise Contra Costa County sales tax 1/8 of a cent to fund libraries was successful—but, just barely. Measure A received 65% of the vote. Thanks to Proposition 13, it needed a two-thirds majority to pass. The No on Measure A Committee had only six weeks and four thousand dollars to get the message out. Unfortunately, the Supervisors did not get the message. They are planning to go back to the voters again this fall with a parcel tax after two prior parcel taxes failed at the polls.

As is standard practice to get the voters to approve more taxes, our elected officials let something the people want fall into disrepair and then asked us to vote for a tax increase to improve the service we want. The voters were given only one choice to fund libraries. It was unconscionable of the county supervisors to force voters to choose between raising taxes or poor libraries. After all, libraries were a low priority in the County budget.

The Supervisors criticized opponents for denying the will of the majority and not offering alternatives. I denounced their claims. The will of the majority was not thwarted because supporters are still free to support libraries—they just can't force the minority to pay for their special interest. Further, our committee is on record with the media as having offered not just one, but several alternatives. One option that we pointed out was that the Supervisors should find funds from the County's \$900 million dollar budget or from the state, which this year boasts a four billion dollar surplus. Naturally, despite soaring tax revenues, they still plead poverty.

We also suggested user fees, privatization, etc. to no avail. If they can not decide how best to fund libraries, why not put it to the voters with an advisory election consisting of several choices? A. Raise taxes B. Charge user fees, or C. Allocate more money from current revenues.

If they had given the voters *these* choices, does anyone really believe option A would get the most votes? Without hesitation, the Library Advisory Commission that we spoke at voted to recommend a parcel tax to the Supervisors without any consideration to the alternatives that we had just presented.

It looks like we will have to go to battle again. This time they need to be soundly whipped to get them to stop trying to raise taxes. We have more time and, hopefully, will be able to raise more money. I hope that Contra Costa Libertarians will support the coming battle with money and time. Prior to that though, we have one last chance to convince them to look at the alternatives. The Supervisors must approve placing a measure on the ballot. I believe it will be at the August 4 meeting; although, at this time I do not know for sure. I plan on attending the meeting to suggest either an advisory vote as mentioned above or a voluntary tax (politicians like the word tax better than user fee). I hope that many of us can attend the Supervisor's meeting to show them our strength.

For more information, stay tuned to the *Lifeline* or email me at gklyon@pacbell.net for updates. □

After Communism

by George L. O'Brien

The June issue of the *Libertarian Lifeline* included an article by J.R. Sommer reflecting on the demise of Marxism in China. What he did not discuss is the nature of the system that is replacing it — Systemic Corruption.

Systemic Corruption has been around longer than market capitalism. In essence, Systemic Corruption involves the overt application of state power to enrich the rulers and the ruler's supporters. Through out history, most political systems have served to benefit the rulers, but under Systemic Corruption the process is better organized.

The recent problems in Indonesia serve as a case in point. The government has been run by a small group of political capitalists for their own personal benefits. Economic development has been grossly distorted with disastrous results.

There have been numerous examples of countries suffering under some variation of Systemic Corruption. In the case of many Latin American and African countries, local officials have long used their power to shake down business people for "gifts." In Saudi Arabia, no foreign business can operate without a Saudi partner, preferably from the Royal family.

Where it works moderately well such as in South Korea (until recently), Systemic Corruption looks something like market capitalism. Below the surface is a rot that makes their economies more fragile than they look.

Usually it does not work well. In places such as Russia, Systemic Corruption is so bad that it effectively destroys much of the wealth being produced in that country.

The problem facing China is that Maoist Communism is being replaced by an extremely corrupt system. Like Indonesia, China may be able to show some glittering results for a while. However, without major reforms such as real property rights, enforceable contracts, rule of law, sound money, and predictable regulations — China faces some very serious problems.

Unfortunately, there is little serious discussion of Systemic Corruption. Many international corpora-

tions exploit the process to their own benefits. At the same time, the trend of countries such as the U.S. has been a gradual but pronounced slide into an industrialized version of Tammany Hall. It is certainly hard for someone like Bill Clinton to talk to foreign leaders about why they should bribery and misuse of power is a bad thing.

So while the end of ideological Marxism is obviously a good thing, we should not assume the alternative will necessarily be market capitalism. Systemic Corruption may not have any ideological underpinnings, but it is a major threat to freedom.

George O'Brien is the former Northern Vice Chair of the Libertarian Party of California. You may contact him at obiewan@mail.doitnow.com

Jeff Sommer responds:

George, you're right, I failed to describe the rot in detail. The Systemic Corruption you talk about is a very real thing...but scarcely a new phenomenon, particularly in Chinese history. If I did not mention the present sordidness of the mess in China at the moment, it is because it is a well-known symptom that has been seen at the end of nearly dynasty in China's long story. If you care to study the downfall of the Hsia, Shang, Ch'in, Ming, and Ch'ing Dynasties, you will find precisely the same pattern of tyranny, corruption, insane excesses, and eventual overthrow that inevitably follows. The Communists are no different. An old-fashioned Chinese would say that when the Mandate of Heaven is withdrawn, these things happen as surely as twilight precedes nightfall. I have no argument with the terminology, myself.

The good news is, it eventually ends. The Mandate settles on someone worthy (although, this sometimes takes a while, with attendant chaos, civil war, and terrible bloodshed). The next ruler is often a cultural hero, and a new dynasty starts off doing very well indeed. Of course, given enough time, that dynasty will sink also. If the dynasty is very conscious of its responsibility to rule well, it may last a very long time. If not, a few decades later, it dies. China is now almost precisely where it was during the reign of H.M. the Hsuan T'ung Emperor (1908-1912), with weaklings and corrupt bureaucrats at the helm. It won't be much longer, I predict, before the next bearer of the Mandate tosses these bandits to the dogs. Hsia T'ien-an (Jeffrey R. Sommer)

Opening Pandora's Box

**An Open Letter about the Politicization of the PC Industry
by Dan Fylstra**

Dan Fylstra has been involved in the PC industry since its inception. He was founding Associate Editor of BYTE Magazine in 1975, and founder of VisiCorp, the marketer of VisiCalc, in 1979. He is currently president of PC software vendor Frontline Systems, Inc. (702-831-0300, <<http://www.frontsys.com>>). PLEASE FEEL FREE TO USE, QUOTE FROM, OR FORWARD THIS OPEN LETTER. This Open Letter is online at <http://www.frontsys.com/pandora.htm>. Comments are welcome — Please send them to danfylstra@hotmail.com.

INTRODUCTION: IS THIS WHAT WE EXPECTED?

Last year, Netscape and several other PC industry companies appealed to our government to help them in their fight against Microsoft, whom they felt was using its market power with Windows to gain an unfair advantage in the browser wars. Our federal and state governments have responded, and the results are everywhere in the daily news. I'd like to comment, not about Netscape or Microsoft, but about the politicization of our industry, what it means for our future, and what fundamental choices we can make going forward.

Somehow, things are not working out quite the way we expected: As I'm writing this, we're waiting to find out whether the Justice Department and/or a dozen state attorneys general will file lawsuits to stop the shipment of Windows 98 — a decision which will impact the fortunes of not just Microsoft, but literally thousands of smaller companies, hundreds of thousands of us who make our living in the computer industry, and tens of millions of consumers. And there are strong hints that the government will soon launch an antitrust action against Intel. (Intel? What did they do? Among other things, they paid out money to PC makers who put the "Intel Inside" logo on their machines.) Now, in countless trade press articles, columns and editorials, people are asking: Should the government be involved? Will they do the right thing — whatever that is? And how will it impact us? Have we opened Pandora's box?

HAVE WE OPENED PANDORA'S BOX?

My answer is yes — we've opened Pandora's

box, and it will prove impossible to close it. Our industry is being politicized. Henceforth, it won't be enough to design and build great products, and sell them at attractive prices. We'll also have to compete in the political sphere. And that will take time and money, which will be siphoned off from product development and marketing. We'll have to worry about whether we have enough influence in Washington, and in our state capitols. Have we hired the right lobbyists — donated to the right PACs — hobnobbed with the right politicians? Will we get our share of any government largess, and can we sneak in our special exemption from the latest tax or regulation?

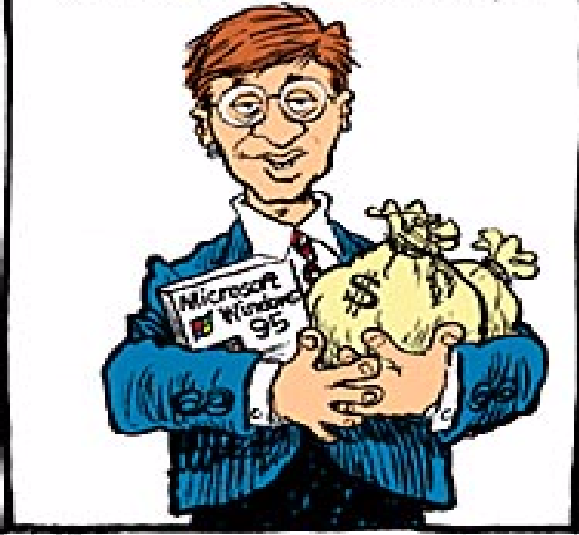
There will be a new pecking order, defined by the amount of political influence enjoyed by various companies, trade associations and other groups. And who is likely to come out on top of this new pecking order: The startups with the hottest new technology, or the established companies who've had the time to develop their political connections?

Let's be blunt: It's pretty obvious that in today's White House and Congress, influence can be bought, and the price tag isn't all that high by our industry's standards. If a night in the Lincoln bedroom goes for \$50,000 and a seat on a Commerce Department trade mission is just \$100,000, the established leaders in the PC industry ought to be able to afford plenty of influence. As for the small and medium-sized companies, well — if you can't afford to pay, you can't afford to play.

WHO AMONG US WILL HAVE THE MOST INFLUENCE?

And who can afford the most influence? Which company is responding to the pressure brought upon it by drastically stepping up its lobbying efforts and political contributions? Microsoft, of course. Bill Gates is no dummy, and he's said it quite explicitly: He used to think that all he had to do was design and build great products. Now he realizes that that attitude was "naive." The folks who hate Microsoft, the 800-pound gorilla in a relatively free market, should be worrying about the future Microsoft, the gorilla with so much political influence — so many senators and congressmen in its back pocket — that it's practically untouchable. No, this won't happen next month or next quarter — but what about four years from now, given our politics today?

WHAT WOULD BE WORSE THAN
BILL GATES CONTROLLING 90%
OF THE SOFTWARE INDUSTRY?...



We've worried about the market power of a few companies like Microsoft, but we haven't anticipated how the true coercive power of government might be used for or against us. After all, you don't have to buy Windows 98, and many people won't. But you do have to pay your taxes, or go to jail — to finance things like the federal Market Promotion Program, which pays for McDonald's hamburger ads overseas today, and — who knows? — might pay for Microsoft's browser ads overseas tomorrow.

WILL THE GOVERNMENT DO THE RIGHT THING?

Most of us cling to the notion, or at least the hope, that the Justice Department or the state attorneys general will somehow act intelligently in the public interest, and things will turn out OK. We've never examined public choice theory, which predicts that in the public sector as in the private sector, key players will pursue their own self-interest, not the broad public interest. We need to recognize the state attorneys general for what they are: Political entrepreneurs who are simply riding the anti-Microsoft wave for all it's worth, seeking to advance their own careers. The results for consumers or for our industry are beside the point, as long as we are not that politically influential. Indeed, public choice theory predicts that a political system like ours will transfer wealth from the politically unorganized to the politically influential. The ideal outcome, from the politi-

...CONGRESS CONTROLLING 100%



cians' viewpoint, is that we all become supplicants, on an ongoing basis, fighting among ourselves for the favors that only they can hand out.

IF PANDORA'S BOX IS OPEN, WHAT ARE OUR CHOICES?

Pandora's box is open. The impact of politics on our livelihoods is growing every day, and we don't know what to do about it. Most of us would rather avoid thinking about or spending time on politics — we'd rather be creating new technology, and satisfying more customer wants and needs. Many of us, if asked, would echo the classic cry "laissez faire" — leave us alone! But the politicians won't leave us alone. Because of our relative lack of sophistication and lack of involvement in politics, we are on the defensive. We're likely to end up on the short end of any compromise — whether it's about strong encryption, Internet access and freedom of speech, electronic commerce and sales tax, you name it.

So, if Pandora's box is open, what are our choices? Continuing to ignore politics is not really an option — because politics has arrived at our door. We can, of course, accept the politicization of our industry — as some have already done — and become supplicants. We can become active in "mainstream" politics, in either the Democratic or the Republican Party (is there any difference?), trying to move the politicians in a sensible direction, and hope for the best.

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Or, we can apply some lessons from our own experience and try to gain leverage by investing in a startup. Not another high-tech company, but a political startup — one that is capable of challenging the status quo. I'm thinking broadly of the Libertarian movement <<http://www.free-market.net>>, and more narrowly about the Libertarian political party <<http://www.lp.org>>.

SHOULD WE INVEST IN A POLITICAL STARTUP?

It's no secret that Libertarian ideas are popular on the Internet, or that they are showing up across our politics and culture with increasing frequency. But what practical difference would it make if the high-tech community were to embrace the Libertarian movement in a big way? I believe that if enough of us made this decision, it would fundamentally alter the future, both for our industry and for American politics.

For the high-tech community, an investment of time, energy and money stands to earn a far bigger share of the "Libertarian startup" than we will ever gain from the established political parties. Instead of being absorbed into the enormous pool of current political interest groups, we could play a major role from the beginning. It is already true that the Libertarians, on average, have a much deeper understanding of technology than the often-clueless Republicans and Democrats, and we could ensure that this remains true in the future.

As for the Libertarians, they can certainly use money, and in many cases they could benefit from the kind of professional management, and especially marketing savvy, that many of us in the high-tech community can provide. The Libertarian Party in particular has struggled for a long time at the margins of American politics. But the LP is currently enjoying an all-time high level of membership — 25,000 — and it is executing a "business plan" which is showing some early signs of success, and which aims for 200,000 contributing members by the year 2000. (This would be enough to make the LP competitive with the Democrats and Republicans, who typically have about 400,000 contributors in an election year.) It's certainly interesting that this plan includes ads in *Wired* Magazine and mailings to the *BYTE* Magazine subscriber list.

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WHAT WILL IT MEAN FOR THE FUTURE?

But most important, the Libertarians have the right ideas — about the wisdom of relying on the market, about the futility of central planning, about the practical importance of liberty for innovation and growth, in our industry as well as others — that I believe we'll have to embrace, sooner or later, if we want to realize the opportunities ahead of us in the twenty-first century. These ideas are important to everyone in our economy and culture, but they are critical to the computer industry. We have been held back, co-opted, and bamboozled for too long by today's very disappointing political leaders. It is time for us to get involved, grow our own new political leaders, and get them elected.

What would this mean in the long run? It would mean that we could worry less about politics. It would mean we could focus on creating new technology, designing and building great products, and meeting customers' needs and wants once again.

WHAT CAN WE DO RIGHT NOW?

So what should we do? Start up our Web browsers, of course, and visit the Reason Foundation <<http://www.reason.org>>, the Cato Institute <<http://www.cato.org>>, the Advocates for Self-Government <<http://www.self-gov.org>>, or the "switchboard of the Libertarian movement," Free-Market.Net <<http://www.free-market.net>>. To learn about the Libertarian Party, visit www.lp.org <<http://www.lp.org>> or call 800-272-1776.

I admit that as a political startup, the Libertarian movement may seem like a "long shot" compared to just coping as best we can with the Democrat - Republican duopoly. Just think of it like Apple versus Texas Instruments in 1978, or Microsoft versus IBM in 1982. In my view, the Libertarians may be the only real alternative we have to becoming just another industry that is caught up in the stasis of American politics — the only way to get Hope out of the bottom of Pandora's box. □

Today, Dan Fylstra is a contributor to a variety of Libertarian organizations, and is registered to vote Libertarian. In March 1998 he became the treasurer and webmaster for the Libertarian Party of Nevada <<http://www.lpnevada.org>>. Comments are welcome — Please send them to danfylstra@hotmail.com.

Marin LP News

Marin Supporters!! June has been a bright and sunny time in Marin County. The Fairfax Festival, The Classic Car Parade, and the Italian Street Painting Festival in San Rafael have all been events at which many of us met long-time as well as up and coming Libertarians.

LP Gubernatorial candidate Steve Kubby came by to join us for lunch in San Rafael and his presentation really made a splash in a packed room at the Sonoma Free Forum in Petaluma. His wife, Michelle and his adorable daughter Brooke also marched among the freedom loving revelers people at the annual Gay Pride Parade in San Francisco on June 28th.

July is National Convention Month. This is when all the big wigs in Washington get to decide policy for Libertarians nationwide. Sound a little too much like the Federal Government? Whether or not you want to believe it, our Party is founded on the same principles, in theory, as our Government is. These principles vary widely in practice,

however.

As we attempt to secure the Bill of Rights for future generations, we come to realize the barrage of double speak and obligation our Government has forced upon us. We think, are our principles really the same any more?

The Marin Libertarian Party is still taking donations for it's monthly fundraising drive. Look for our advertisement in the *Gazette*.

July 11th, 1:00 p.m. General Meeting at Willow Street, 814 4th St in San Rafael.

July 25th, 10:00 a.m. to 3:00 p.m. Fundraiser at 106 Bayview in San Rafael.

July 26th, 10:00 a.m. to 3:00 p.m. Fundraiser at 1212 Second Street in San Rafael.

August 1st, 1:00 p.m. General Meeting at Willow Street, 814 4th Street in San Rafael.

Contact Info: Chair Ms. Austin
MarinLP@webtv.net Sec. Mr. Demattei
pagangas@sirius.com Treasurer Mr. Lowry
lvxink@webtv.net. Visit our Website at
<http://sirius.com/~pagangas>
Phone (415) 339-7887



MEMBERSHIP APPLICATION

(For those joining the LP as a voting member)

I hereby certify that I do not believe in nor advocate the *initiation* of force as a means of achieving social or political goals.

Libertarian Party
of California

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Please make checks payable to:
Libertarian Party of California

I would like to join: ☐ Marin County LP ☐ East Bay Region LP

☐ Recorded in database

CALENDAR OF EVENTS **JULY**

Thursday, July 9, 1998 8:00 p.m. Free Sonoma Forum at Jerome's Mesquite BBQ Restaurant, 1390 N. McDowell Avenue in Petaluma. This month's program features Joe Fuhrig, Professor of Economics and the LP's 1986 candidate for Governor of California, speaking on "The Five Worst American Presidents." RSVP by July 7, if possible, by calling (707) 769-9531

Saturday, July 11, 1998 1:00 p.m. Marin County LP General Meeting at the Willow Street Restaurant, 814 4th Street in San Rafael.

Tuesday, July 21, 1998 7:30 p.m. East Bay Region General Meeting at Vincenza's Pastaria, 35760 Fremont Boulevard in Fremont. From Interstate 880, take the Fremont Blvd exit and drive East.

Saturday, July 25, 1998, 10:00 a.m. to 3:00 p.m. BackYard Fundraiser at 106 Bayview in San Rafael. For details, call (415) 339-7887.

Sunday, July 26, 1998 10:00 a.m. to 3:00 p.m. BackYard Fundraiser at 1212 Second Street in San Rafael. For details, call (415) 339-7887.

Tuesday, July 28, 1998, 7:00 p.m. Oakland/Berkeley Libertarians in the 16th Congressional District will meet to discuss regional issues at the Albatross Pub in Berkeley, located at 1822 San Pablo Avenue (near the corner of University and San Pablo). For more information, contact Jeffrey Sommer at (510) 537-3212.

Wednesdays at 6:00 p.m. Free The People Initiative Organizational Meetings. Coco's Restaurant, 330 E. Hamilton in San Jose. Join the Free the People organizers every week to help draft another ballot initiative to repeal the State Income Tax. Visit their website at <http://www.freethepeople.com> for more information

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