

Libertarian Party

1996 Year-end report

The following report was prepared by Steve Dasbach, Libertarian Party national chair; Hugh Butler, national treasurer; and Perry Willis, national director.

Executive Summary: Accomplishments

☆ **Membership:** Party membership has doubled in less than two years. In fact, membership grew by more than 8,500 members in 1996 alone. That represents more net growth in one year than in the previous 11 years combined.

☆ **Ballot Access:** We became the first third party in American history to achieve 50-state ballot status two presidential elections in a row. We also generated enough votes to retain ballot status in 22 states, the largest retention after any election in party history.

☆ **Fund Raising:** We raised more than \$2 million for the Libertarian National Committee—a record amount. We also raised an additional \$1 million for the Browne for President campaign, making the combined total for the national effort the largest in any campaign since 1980.

☆ **Candidates:** We ran more than 800 candidates for public office—the largest mobilization of third-party candidates in this election, and perhaps our highest total ever (accurate data is lacking for 1982, when we may have had as many as 1,000 candidates).

☆ **Elected or Appointed Libertarians:** We raised the number of elected or appointed Libertarians from 160 at the end of 1995 to 171 as of the end of 1996.

☆ **Infrastructure:** We expanded our headquarters staff by four key people—a director of operations, a deputy communications director, an affiliate and customer services manager, and a new graphic designer.

see **LP: 1996** on page 9

Anatomy of a campaign

A close look at Coon for State Rep.

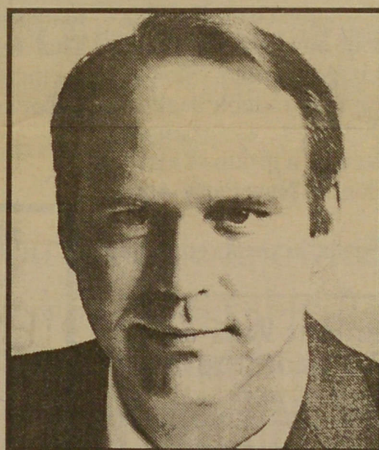
The Jon Coon for State Rep. campaign in Michigan had everything a Libertarian campaign could want: A charismatic, capable, articulate, principled candidate. A campaign manager with experience, training, and commitment. Twelve hundred contributors. A deeply devoted and hard working volunteer staff of 14. More than 200 campaign volunteers. A good relationship with the media. Support from both the local and national parties.

Yet, after raising and spending over \$110,000, Coon received 15.8 percent of the vote—a virtual tie with the do-nothing Republican candidate—and a sound loss to the 10-year incumbent Democrat. The following is a candid analysis by Jon Coon's campaign manager, Barbara Goushaw.

Jon Coon is an outstanding candidate. Down to earth and articulate, he has the ability to explain Libertarian positions in a way that virtually anyone can relate to and agree with. A former military man, it is easy to see him as a leader.

A powerful, charismatic speaker, he brings people cheering to their feet, filled with hope for the future and belief in principle, eager to support his candidacy with their time and money.

Any analysis of the 1996 state representative race has to begin with the run for U.S. Senate that preceded it. In April 1993, Jon Coon declared his intention to be Michigan's candidate for U.S. Senate, and we immediately began the fund-raising process. Using the Michigan Libertarian Party list, we called every person on it. After



Jon Coon

see **Anatomy** on page 6

Libertarian Party NEWS



February 1997

The Party of Principle

VOLUME 12 • NUMBER 2

Ballot access efforts continue

It may seem that elections are just wrapping up, but for the Libertarian Party the next cycle has already started.

Ballot access efforts are under way once again, and now is the crucial time for Libertarians to be lobbying for better ballot access laws in their states.

Following the November elections, the Libertarian Party retained ballot status in 22 states, representing the best retention record in the party's history.

In North Carolina, one of the states with very difficult access laws, the Libertarian Party already has gathered more than 17,000 signatures toward the required 71,000 signatures.

According to Kris Williams, who heads up the ballot access efforts for the national party, two paid petitioners are working to gather signatures in North Carolina with the hope of keeping the state from decertifying the LP.

Although the state can decertify the LP in late February if all of the signatures are not gathered by that time, Williams said it was hoped that by turning in many of the signatures the LP might gain a delay in the process if the state realized it would have to turn around and recertify the party in a short while.

see **Access** on page 7

Supreme Court hears GA LP drug case

For the first time, the U.S. Supreme Court has heard arguments in a case filed by the Libertarian Party.

On Jan. 14, Libertarian Party member and former candidate Walker Chandler of Zebulon, GA, represented himself before the Supreme Court in the case of *Chandler v. Miller*—Miller being Gov. Zell Miller of Georgia.

Since 1975, the high court has rejected 15 appeals from the party, all relating to ballot access and election fairness laws.

Chandler argued that the court should overturn a law requiring political candidates for statewide offices to take urine tests for drugs. The 6-year-old state law, the only one of its kind in the nation, was first called into question by Chandler—along with Libertarians Sharon Harris and James Walker—in 1994, when all three were Libertarian Party candidates.

Chandler took the required drug test—which showed he was not a drug user—in 1994, ran for lieutenant governor, and then filed suit against the law. Chandler lost his lawsuit in the district court and lost again last year in the federal appeals court.

The appeals court, in a 2-to-1 decision, wrote in the majority opinion, "The nature of high public office in itself demands the highest levels of honesty, clear-sightedness, and clear thinking. Simply put, the state's interest in filling these positions with drug-free people is great."

But Chandler said, "It's an asinine law. Alcoholism is obviously the worst problem among politicians, but that's not being tested for. And there's no test for a politician's intelligence. Or ethics. Or for the main addiction in political society—power."

"The legislature is saying those who don't bow down and worship the war on drugs can't run for office," Chandler said in a newspaper interview just

before his day in court. "Are we a flock of sheep that can be tested by the government at will?"

"Drugs are to the 1990s what Communists were to the 1950s—an excuse for politicians to violate basic civil liberties," said Libertarian Party National Director Perry Willis.

The American Civil Liberties Union (ACLU) agreed, and in a brief filed supporting Chandler, stated that the Supreme Court "has repeatedly emphasized that suspicionless drug testing passes constitutional muster only where it is aimed at specific and immediate threats. No such threat exists here. There is no evidence of a drug problem among Georgia's elected officials. Nor do such officials...typically perform safety-sensitive tasks..."

The ACLU brief went on to say, "On the other hand, the privacy interests implicated. . . are substantial."

see **Court** on page 11

Uncovered

Fusion case reveals high-court bias against third parties

On Dec. 4, 1996, the Supreme Court heard arguments in *McKenna v. Twin Cities Area New Party* (95-1608), over whether the First Amendment protects the right of two political parties to jointly nominate a single candidate and have both party labels on the ballot next to that candidate's name. This Minnesota case involved a 1994 state legislative race. The candidate wanted to be listed on the ballot as the nominee of the Democratic and New parties.

The decision will be out in the spring of 1997. Most reporters who tried to predict the outcome suggested the Court would rule against fusion.

Eight justices asked questions or made comments—Justice Clarence Thomas didn't speak. The justices monopolized the hour set aside for the case. Neither Richard Slowes, for Minnesota, nor Laurence Tribe, for the New Party, had any time to speak, other than to respond to comments from the justices.

Since the court below had struck down the fusion ban, Slowes, who filed the appeal, spoke first. Immediately he was pressed to explain why he felt that fusion causes voter confusion, as his brief had asserted. Justices John Paul Stevens, David Souter, and Ruth Ginsberg doubted that fusion really causes voter confusion. Slowes said that Connecticut voters are confused by fusion, but he didn't elaborate.

Finally, Slowes said that voter confusion isn't the chief reason why fusion should be banned—the real reason is to prevent the creation of "bogus" political parties, created simply to bolster the campaigns of certain major party nominees. He suggested

Commentary

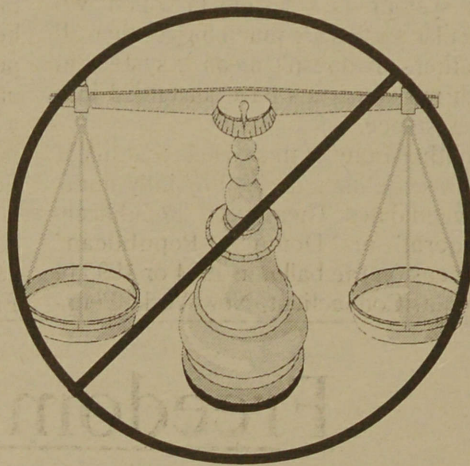
the "No New Taxes Party" or the "Tough on Crime Party" might be created just to assist the campaigns of Democratic or Republican nominees.

Stevens said that in 1952, there had been some discussion that both the Democratic and Republican parties might wish to nominate Dwight Eisenhower for president, and asked if the First Amendment should protect the right of major parties to jointly nominate the same person for president.

Before Slowes could answer, Chief Justice William Rehnquist said that California had banned cross-filing (another term for fusion that refers to a candidate filing in two party primaries at the same time), and wondered if California's ban might have been a violation of the First Amendment. Naturally, Slowes said that the First Amendment does not require a state to permit cross-filing.

Souter stated that Slowes' answers seem reasonable, and that he might be inclined to agree, except that history shows that fusion was banned in most states during the decade after 1896 to squelch the Peoples Party, not because of any worries about voter confusion or bogus parties. Slowes responded that it isn't fair to look back so many years and that these assertions—which were supported by a group of historians who testified for the New Party—are not proven.

Justice Antonin Scalia, in an incredulous



tone, then demanded to know if Slowes was actually conceding that "favoring a two-party system" is not a legitimate state interest. Scalia clearly was stating that, in his opinion, the fusion ban could properly be defended as a tool to squelch new and minor parties.

The U.S. Supreme Court has issued a number of very hostile rulings in the last 25 years that have upheld official discrimination against minor parties.

However, none of these hostile decisions has ever claimed that there is a legitimate state interest in a "two-party system." That term has not been used in any Supreme Court decision, upholding a state ballot access law. The idea that there is a

state interest in upholding a two-party system was rebutted in *Williams v. Rhodes*, the 1968 decision that overturned the Ohio ballot access laws. Even Scalia has never mentioned the term "two-party system" in any ballot access opinion or dissent, although he has mentioned that term in patronage cases.

Tribe, a famous Harvard law professor, was prepared to rebut Minnesota's brief. However, the Justices weren't interested in that, since they didn't care about the points in Minnesota's brief. Rehnquist, Scalia, and Justice Stephen Breyer pressed Tribe to explain why a state can't simply structure its election laws to squelch new and minor parties. Tribe didn't seem to be prepared for that, and his answers were not satisfying.

Scalia insisted that the ban on fusion has "successfully preserved the two-party system."

Breyer, who is from Connecticut, another state that permits fusion, made a long statement that fusion bans injure minor parties, but said that it may be legitimate for a state to write its election laws to injure minor parties.

Justice Sandra Day O'Connor said, "The key First Amendment value is the freedom to vote for anyone," an ironic statement since she voted in favor of a ban on write-in space on ballots in *Burdick v. Takushi* in 1992.

see **Bias** on page 3

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Editor Emeritus

Carl Hess • 1923-1994

Editor • Randy Langhenry

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Bias

continued from page 2

Scalia demanded to know, "What about the right not to participate in fusion," ignoring the fact that plaintiffs argue only that fusion must be permitted when the candidate and both political parties involved wish it to occur. Scalia also insisted that it is impossible for election law to be neutral toward minor parties, that it either fosters them or suppresses them. Clearly, he isn't aware of U.S. election laws prior to the 1890s, when those laws were strictly neutral.

Justice Anthony Kennedy again raised the idea that fusion causes confusion. He said that California voters had 200 items to vote on in the last election and that voters already are overburdened. (Kennedy is from California and ought to know that no California voter had more than four partisan races to vote on. There also were 15 state questions and local non-partisan elections and local ballot questions, but no voter in California had more than 30 or 40 decisions to make.)

The hearing ended abruptly with Tribe given virtually no opportunity to put his case in the context in which it belongs—protection for the First Amendment rights of political parties in general. At no time in the hearing were other party rights cases mentioned.

This is a party rights case. The other party rights cases in the Supreme Court all have been brought by major parties, and they have all won against state election laws. When the Court hears a party rights case involving the major parties, it properly looks at the language of the First Amendment itself, and then it writes a good decision.

But when a minor party raises a party rights case, suddenly some Justices forget about the Constitution. Instead, they think that they are applying political science, and that it is sophisticated to defend discrimination against minor parties because such discrimination is necessary for the good of society.

The irony is that no leading political

scientist who studies political party systems believes that it is necessary to squelch minor parties in order to "defend" the two-party system. The true definition of "two-party system" is a system in which two particular parties are much bigger than all the others. It doesn't mean a system in which minor parties have atrophied into non-existence.

Another irony of this case is that major parties sometimes desire to jointly nominate candidates. There were "Republican-Democrat" or "Democrat-Republican" nominees on the ballot in 1994 or 1996 in Vermont, Connecticut, New York, Penn-

sylvania, California, and New Hampshire. Thus, fusion, as a constitutional issue, sometimes has nothing to do with minor parties.

It would have been desirable if the first fusion case in the U.S. Supreme Court had been over whether the Democratic or Republican parties were free to jointly nominate a candidate. If the Court had had such a case, it might have been able to look at the issue without being distracted by its own hostility and bias against minor parties.

This article appeared in the Dec. 12, 1996, Ballot Access News, Box 470296, San Francisco, CA 94147.

LP on-line guide

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Affiliates

FL Supreme Court rules against LP and third parties

Alabama

According to reports from the state, LP member **John O'Donnell-Rosales** received 284 votes in his victorious race for constable in Mobile County. The NEWS also reported that LP member **Steven Fischbach** won his election for constable in Mobile County. Unfortunately, although he did win the election, Fischbach did not post a constable bond on time, as required by state law, and so disqualified himself and vacated the position.

Source: affiliate candidate

California

Kathleen O'Brien, chair of the San Mateo LP, was appointed chair of the Menlo Park Arts Commission last October. She has served on the commission for the past two years. O'Brien said her focus "will be on finding ways to lessen dependence on tax dollars. One of the new commissioners has done fund raising for other arts groups and foundations and is also eager to explore fund raising."

Source: affiliate newsletter

Arthur M. Hays, a former LP candidate and state executive committee member, died at his Long Beach home on Nov. 4. He was 68. The day after his death, Hays received 3.1 percent of the vote in the race for State Assembly. "We have lost a good Libertarian, a good leader, and a good friend," said **Gail Lightfoot**, state LP chair. He will be missed.

Source: affiliate newsletter

The LP of Sacramento County elected the following new officers: **Patrick V. Nestlehut**, chair; **Gene Fraizer**, vice chair; **Steve Watanabe**, secretary; and **David Henderson**, treasurer.

Source: affiliate officer



National pulse

News from the states

Colorado

A Hemp/Cannabis Legalization Summit sponsored by the LP of Boulder County was held Jan. 19 in Boulder. The summit, organized by LP activist **Ron Bain**, featured a panel discussion of the ways state legalization advocates can take advantage of the momentum built by the November passage of medicinal marijuana initiatives in California and Arizona. Guest speakers included a former state senator and a Boulder county commissioner.

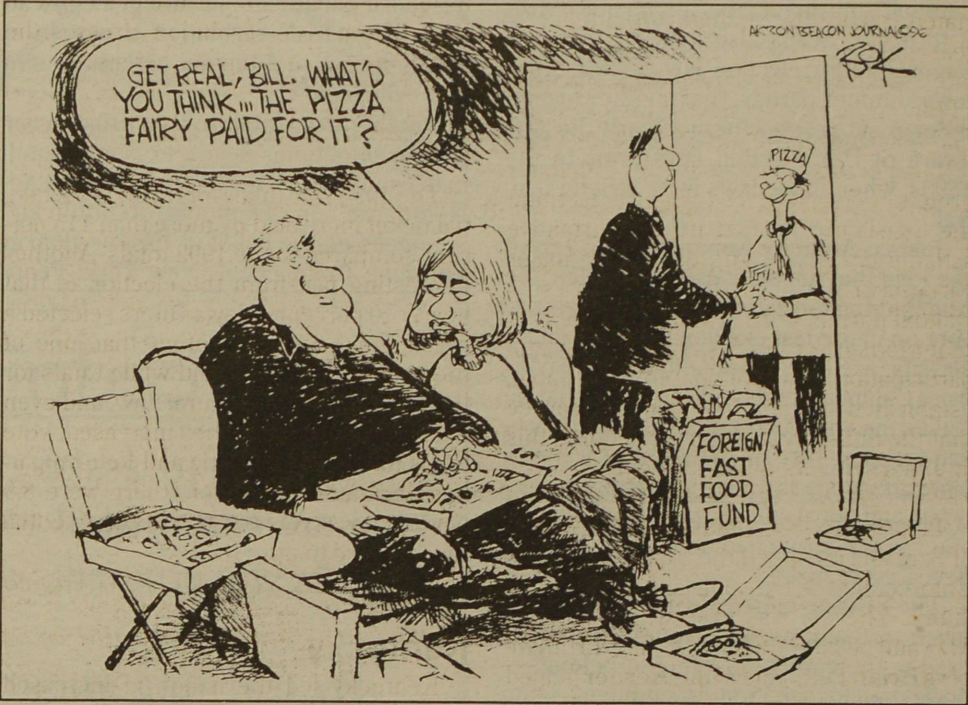
Source: affiliate newsletter

The Libertarian Community of Jefferson County—formerly the LP of Jefferson County—has not only changed its name, but also its approach to accomplishing its mission.

To promote the development of a libertarian culture, the group will identify high-return projects to work on and the requirements necessary to achieve them. No individual will be delegated the permanent role of project leader, but the individuals working on a particular project will designate a spokesperson or team leader for that project. The team will bear the responsibility for accomplishing the project and will be accountable to the group as a whole for success or failure.

"We are hoping that this experiment will yield good results as libertarians become committed to making things happen through involvement in plans that they have personally created," said Jerry Hatch, group leader.

Source: affiliate newsletter



Connecticut

LP candidate **Wildey Moore** received 709 votes, 1.8 percent, in his three-way race for State Senate, District 32, in November.

Source: affiliate member

Delaware

In December, Libertarian **Jack Dalton**, an incumbent Bridgeville town commissioner, filed for re-election.

Source: affiliate newsletter

Florida

Nick Dunbar, LP state chair, recently emphasized the need for as many "Operation Politically Homeless" booths as possible throughout the state. The state party is paying a \$25 "bonus" to county organiza-

tions for each outreach booth conducted. The county groups are reminded to send all names gathered at the booths to the state party, which will forward the lists to the LP national headquarters for new member recruitment efforts.

Source: affiliate newsletter

The Florida Supreme Court ruled against the Libertarian Party by unanimously upholding a law that allows the state to keep all of the filing fees paid by candidates for parties other than the Democrat and Republican parties, while returning more than half of the filing fees to candidates for those two parties.

State filing fees are 7.5 percent of the annual salary of the office being sought. For a U.S. congressional candidate, the fee is more than \$10,000. The practical effect is

see **Affiliates** on page 5

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Affiliates

continued from page 4

that newer parties must pay the \$10,000 simply to put a candidate on the ballot.

The state court's opinion again affirmed a bias against third parties. Unbelievably, it stated that the discriminatory treatment "is reasonably related to the state's important interest in strengthening and encouraging major parties, as a means of preventing factionalism and the multiplicity of splinter groups. . . . We are faced with the fact that the legislature has set up an affirmative scheme to support and encourage major parties by returning to these parties a substantial portion of their filing fees. . . . This requirement, of course, fosters only the participation in the political arena of stable, established parties. We cannot disagree that the State has an interest in doing this and this scheme furthers its goal."

Source: Ballot Access News

Libertarian party member **Tim Taylor** of Sarasota authored the Visitation Rights Enforcement Act of 1996 in the state legislature. The bill was passed into law last May and became effective in July. LP members **Brian Dietz** and **Mike Kerner** helped in lobbying for its passage. Other legislation is being pushed now, including an effort to eliminate government mandates.

Source: affiliate member

Guam

In an advisory vote for president in November, 498 island residents, or 1.54 percent, voted for the Libertarian ticket of **Harry Browne** and **Jo Jorgensen**.

Source: Ballot Access News

Hawaii

At a meeting of the LP of Hawaii County, a resolution was passed to provide support and research to victims of the state's asset forfeiture petition for seizure of a home in Hilo. The party's resolution stresses the use of the Bill of Attainder defense.

Source: affiliate newsletter

Iowa

The 1996 vote totals for the LP presidential ticket increased by more than 115 percent compared to the 1992 totals. Another interesting fact from the election is that nearly 10 percent of Iowa voters selected a presidential candidate other than one of the two older parties. And while totals for the LP, Taxpayer's, Natural Law, and even Socialist Worker's parties increased, vote totals for the Democratic and Reform parties declined. In addition, there were 8.9 percent fewer votes cast in the presidential race in 1996 than in 1992.

Source: affiliate newsletter

Kentucky

Kentucky led the nation in increased Libertarian Party presidential vote percentage. **Harry Browne** and **Jo Jorgensen** received 4,022 votes, an increase of 311.7 percent over the 1992 vote total of 977.

Source: affiliate newsletter

Maine

LP members **Jean Carbonneau**, **Mark Cenci**, **James Clarke**, and **Ron Clement**

have donated more than 40 audio and video tapes to the Maine LP Liberty Library. Cenci, the librarian, will be administering the library by mail. Any member of the state or national party can take out one tape or tape set at a time for a rental fee. Tapes available include speeches by and interviews with such notables as **Walter Williams**, **Ayn Rand**, **Ralph Raico**, and others, as well as selected speeches from the 1996 LP national convention. The library is accepting video and audio tapes for the collection.

For more information on the Maine LP Liberty Library or to get an order form, write the Maine LP at P.O. Box 6677, Portland, ME 04101, or call 207-780-1776.

Source: affiliate newsletter

Michigan

Northwest Michigan LP activist **John Willis** was elected Boon Township treasurer during the November elections. Willis missed the LP caucus deadline back in

April and decided to run on the Republican ticket. Even though he ran as a Republican, Willis proudly proclaimed his Libertarian affiliation. He mailed a campaign piece to registered voters telling them he was a Libertarian. The campaign piece also promoted **Harry Browne** for president.

"Too bad I had to run as a Republican," Willis quipped.

Source: affiliate newsletter

The LP of Shiawassee County was formed last October. Officers for the group are: **Ben Steele III**, chair; **Violet Steele**, vice chair; **Max Dollarhite**, secretary; and **Sheryl Lynn Pavlica**, treasurer.

"We threw this thing together in kind of a hurry," said Ben Steele, "so there wasn't much time to promote this first meeting." Thirteen people attended the first meeting. "For the next 18 months, we'll be working tirelessly at building a solid foundation upon which we can run successful campaigns," he said.

Source: affiliate newsletter

see **Affiliates** on page 7

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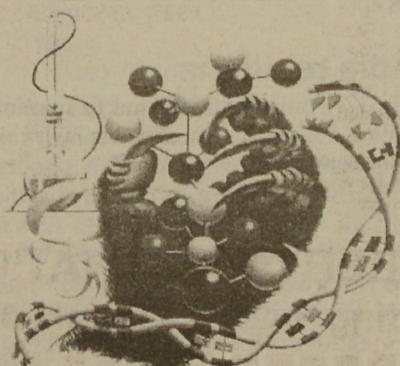
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Freedom From Freedom Froms by Titus Stauffer. It's been decades since the civil rights movement, but race relations are deteriorating. We still fail to judge people by their character rather than by their skin color. We've made even less progress towards legally recognizing, let alone socially accepting, the private lifestyle choices of our fellow human beings. Yet we stand on the brink of technological breakthroughs which could pose far tougher problems. Genetically engineered human and non-human beings and Conscious Computers are coming our way. *Are we ready?* Will we allow them to vote, to defend themselves, to own property? Or will we simply say that since they're not human, they have no rights? Slavery. Part II? We'll face these and many other vexing problems, equipped with two main ideologies. **Welfare Statists on the left, coercive busybody moralists on the right.** Socialists give us *freedom from housing discrimination* by punishing us for advertising our houses as having *walk-in closets*. By doing so, they say, we convey our intent to discriminate against those in wheelchairs! Witchburners give us *freedom from sin* by protecting us from "lewd" Calvin Klein ads. Perhaps *genuine freedom and broad-mindedness* could provide some solutions. Instead of sponsoring quarrels between the NAACP, NAAWP, NAACC, and so on, we'd be better off with the NAACB (Non-exclusive Association for the Advancement of Conscious Beings). We definitely need *Freedom From Freedom Froms* when the "freedoms" that our leaders foist on us are false ones. If you love *real* freedom, vicious political satire, and science fiction, *Freedom* is written just for you!

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Bats in the Belfry, By Design by Titus Stauffer. This *hard science fiction thriller*, a 1996 Prometheus Award nominee, mixes deadly, frightful ideas with politically incorrect, disrespectful humor and adventure. It's a hoot and could also be a warning! In the next 50 years, we'll spend billions of dollars developing new uses for *genetic engineering*. To what ends? Some have speculated that we'll build an amusement park featuring dinosaurs. Remember the Manhattan Project? We sure didn't split the atom because we wanted a place to play. We haven't learned, yet, that we can't expect to survive very long, if we keep on building every "defensive" death-toy that new technology permits.

Direct Price \$12.95, 478 pg. ISBN 0964483505

Order Directly From:

FreeVoice Publishing, Dept. LPNAD1, (713) 281-5226

P.O. Box 692168, Houston, TX 77269-2168

Pls send ☐ copies of *Freedom From Freedom Froms* @ \$12.95 each

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Anatomy of a campaign

continued from page 1

explaining that we were launching a full-scale campaign for U.S. Senate, we asked if they would be willing to meet with Jon Coon, speak with him about the campaign, and consider supporting him if they liked what they heard. Most Libertarians had never gotten a call like that before, and enthusiastically scheduled an appointment for Jon to meet with them at their home. The majority of those meetings generated either a check or a commitment to volunteer. Many of those he met with in those first days are still giving of their time and money.

Other fund-raising mechanisms included a system of setting up public meetings in various locations around the state, then doing a radio blitz in the area. We sent out a press release and then called the local stations to request that they interview Jon in the days preceding the meeting. During the interview, Jon would invite people to come to the public meeting and give out the 1-800-JON COON phone number. People would come, Jon would get them fired up and motivated to support him. Then he would ask them to join the pledge program—commit to \$10 or \$20 per month for the duration of the campaign. We would pass out the forms and people would sign up. The monthly pledgers got a newsletter and a reminder each month, producing a 90 percent fulfillment rate.

Volunteers called to line up speaking engagements with other potentially compatible groups—United We Stand, Taxpayers, Legalization, Bikers Rights, even the Rotary and Kiwanis. We did not do overt fund raising at these meetings. Instead, we passed a clipboard for people to sign for more information, then followed up with a fund-raising letter. Thus we created a data base of more than 1,200 contributors—people who would provide most of the funding for the '96 state representative race. Some of these contributors have been sending Jon a check virtually every month for the past four years.

The Senate campaign, which raised and spent more than \$200,000, gathered more attention, votes, and publicity than any LP campaign in Michigan history. The editor of "Inside Michigan Politics," political analyst Bill Ballenger, stated that the 1994 Coon campaign "put the Libertarian Party on the map in Michigan."

Much of the attention was due to the continued efforts in media relations. The Coon campaign put out press releases almost weekly, developed a media kit that was sent out statewide, and had volunteers on the phones requesting interviews. Coon received 4.5 percent of the vote.

1996 starting point

The '94 organization and support base became the starting point for the '96 state representative run. Jon said; "In '94 we were outspent 50-to-1. It is my firm belief that the time is right for a Libertarian candidate to win—if we can generate equal funding. While momentous by Libertarian standards, \$200,000 is a drop in the bucket in a U.S. Senate race. I know we have the ability to raise serious money and run a first class campaign. In a state rep. race, that kind of money and organization should be enough for the win."

Choosing the race

First came the selection of the race and district. We chose the 24th District because this suburban Detroit community became Jon's home when he married life-long district resident Renae Willett in 1995. Renae would be our "inoculation" against the carpetbagger negative. We considered moving them to an area that had better demographics or a higher vote total in '94, but rejected it as an even wider opening for the carpetbagger label.

They could not return to his northern Michigan hometown because Renae was going to be the breadwinner during the campaign, and her job was in Detroit.

We began in early 1995 with a "baseline" poll of the district. Forty-one percent had heard of Jon Coon, and 3 percent said they would vote for him. Eighteen months out, it wasn't a bad start. We also polled for important issues and asked a "long-term-incumbent versus relative-newcomer-to-the-area" question. Eighty percent said it wouldn't matter. Thus the decision was made.

We knew that the demographic was primarily blue collar Democrat, like their dad-dies before them. But then, Jon used to be a blue collar Democrat, like his daddy before him. We knew that Jon has never had a problem making those "just plain folks" understand and relate to LP positions. We knew we had strong support in the hunting/gun owner population, and that this area had the highest per capita number of hunters in the state.

The time line

The next step was to establish the time line—the game plan for the entire campaign. Working backward from election day, we identified everything that was to be done by date required. This document was reviewed and revised at the weekly staff meetings, with the various tasks assigned as they came up. Example:

- Nov. 2, third district mailing goes out
- Oct. 31, Staff meeting, hand out halloween candy at HQ
- Oct. 30, third district mailing stuffed by volunteers
- Oct. 23, second district mailing goes out
- Oct. 22, Jon speaks to League of Women Voters
- Oct. 21, third district mailing to printer
- Oct. 18, third district mailing text written and delivered to layout

It was sorted entirely by date, not by project. Some things were added as they came up, others were deleted if unworkable or too costly. The time line also is a budgeting tool. As each item goes on, costs are budgeted. This determines how much needs to be raised and by what date. Every single campaign activity must go on the time line.

Media relations

Next we pumped up the media relations campaign. We called local newspapers and television and radio stations. We announced that Jon was running, provided the bio/media kit with the photo for their files for future reference and articles. These efforts were rewarded with two television interviews, a feature article in the local paper, and mentions of his announcement in both

“ Politics is local, and it's not just about being right or articulate, well financed or well organized. It's about people—people who are fundamentally uninformed and apathetic and still make their decisions based upon the same criteria they used to vote for homecoming queen. ”

of the statewide papers. (This prompted our opponent to respond to a reporter with, "I don't know anyone who has announced that he is running for state representative that is getting as much publicity as Jon Coon." How we loved that!)

Our good relationship with the media continues to this day. They respect us as professional, call us for relevant opinions, and call back if we leave a message. Why? Because we took the time to sell them, not on Libertarian positions, but on the fact that we are serious, well organized, and determined. And it's because we treat them with respect, return their calls, give them "scoops," and make news.

Polling

We polled throughout the campaign. (Beforewarned, next to fund-raising phone calls, this is the toughest thing to recruit volunteers for.) Three weeks before the election, name ID polled 95 percent—higher than the 10-year incumbent! (Ninety percent name ID is the first requirement for a win.) We polled the district after every mailing to judge the value and impact, and saw a steady increase. (Overall the campaign put out three mailings districtwide, four additional to the absentees, and two additional to identified Republicans.)

Prior to the last districtwide mailing, we mailed it to a "test sample" of 500 in the district, then polled them. This 500 sampling gave us 27 percent on the "If the election were held today would you vote for" question. We were certain that when this mailing hit the whole district, right on top of the video, with the voters greeted at every polling place by our cheerful precinct workers, we would have the final 1-2-3 punch we needed to win. (We learned in '94 that precincts with poll workers produced much higher vote totals.)

The video

The video: Our most ambitious project. At a cost of \$30,000 the final version was an 18-minute professional production of Jon offering Libertarian positions to an enthusiastic audience, peppered with cuts in and out of family and community activities, narrated by his beautiful wife, the lifelong district resident. This project was financed by major-contributor Libertarians across the country who received a preliminary copy with a request to contribute to its final production. And they did. . .

Libertarians nationwide came through to make it happen. The duplication order was for 21,000 tapes, and on the last weekend before the election, a team of more than 150 volunteers placed one on the door of every registered voter household in the district. This had never been done before in Michigan. We were certain it would be something that was so new, so different, so unusual and exciting that it would be the climactic success story that would elect the

first Libertarian to the Michigan House.

And the excitement was intense. Our phones rang off the hook. Statewide newspapers wrote about it. Talk radio shows debated the value of it as a tactic. People came by the headquarters to pick up extra copies to show at work. One local business owner ran it non-stop in her laundromat for 10 days. We were giddy with joy. We started the "get out the vote" calls believing that we had the election in the bag.

The outcome

Then we polled again. The good news: Of those who watched the video, 60 percent said they were going to vote for Jon. The bad news: only 24 percent bothered to watch it. We severely underestimated voter apathy. They did not reject our message, they never bothered to consider it. Even with the chance to hear it, see it, and get the information easily in the comfort of their own homes (without even needing to be able to read), 76 percent of the voters in this hard-working, blue collar, over-taxed community simply took the video and threw it away. Then on Nov. 5, they marched in lock-step to the polls and pulled the straight Democrat ticket.

Why? Maybe because President Clinton came to the 24th District to campaign on behalf of our opponent. Maybe because our opponent was a nice guy, and we never did a negative piece on him. Perhaps it was the millions of dollars the unions spent pushing the Democrats in our area. Maybe the general population just isn't hurting enough to risk change. Or, as Jon said, "Maybe the lemmings won't wake up until the waves begin to lap at their toes."

Final analysis

In the final analysis, I believe that we should have waited. I think the hometown boy image of our opponent was much more important to the voters than the initial polling indicated. We should have spent the two years after the Senate race letting Jon become known in his community, building relationships, joining the Rotary Club and the American Legion. Walking door-to-door is not the same as becoming known as a neighbor.

And we should have waited because in 1998, that 10-year incumbent will be term-limited out, and the seat, along with 62 others in the Michigan House, will be an open one. Politics is local, and it's not just about being right or articulate, well financed or well organized. It's about people—people who are fundamentally uninformed and apathetic and still make their decisions based upon the same criteria they used to vote for homecoming queen.

I welcome your opinions. Please e-mail me at Bgoush@aol.com or drop me a line at Barbara Goushaw, P.O. Box 246, Hazel Park, MI 48030.

Affiliates

continued from page 5

Michigan

The Jackson County LP elected the following new officers: **Tom Slaughter**, chair; **Jeff Grund**, treasurer; and **James Hudler**, secretary.

Source: affiliate newsletter

Mississippi

The state party held its state convention in Jackson in mid-January.

Source: affiliate newsletter

Virginia

LP member **John Buckley** received 4 percent of the vote in his special election for the state House of Delegates in December. Buckley ran as an independent because the LP is not a recognized party in the state. Buckley did, however, receive the endorsement of both the Libertarian Party and the Reform Party.

"The good news," reported Buckley, "is that we waged a more professional campaign than I have ever seen put on by a third-party or independent candidate. We mailed a professional postcard/mailed to 8,200 voters; distributed the postcard door-to-door to about 3,000 households; called about 1,500 households; covered 14 of 17 precincts almost all day and covered the remaining three during both the morning and evening rush hours; and put up nearly 800 signs along the roadways and in supporters' yards."

During the short three-week campaign,

Buckley raised about \$6,000.

Buckley said the campaign "energized quite a number of previously dormant Libertarians, discovered several new good prospects," and provided practical campaign experience for all involved.

"While I am pretty disappointed, I am not discouraged," Buckley said. "I think our support philosophically is much, much greater than our vote reflects. An awful lot of voters decided to 'window-shop' but not buy. We just couldn't close the sale. We'll have to reflect on better techniques to win votes."

Source: candidate

Access

continued from page 1

The actual deadline for the signature turn-in is June 1, 1997, so that the state party can run local candidates this year. More than 20 LP members already have expressed an interest in running for local office this year.

Now also is the time for LP members to approach their state legislators encouraging them to introduce new legislation for easing ballot access restrictions.

For example, Harry Browne, the LP's 1996 presidential candidate, has agreed to write his state legislators asking for an improvement in the election laws in his home state of Tennessee.

"This is the time, if people are gumbeling about their ballot access laws, right now is the time people should be asking for something better," Richard Winger, editor of Ballot Access News, said.

Sexual harassment run amok

By JEFF E. JARED

Grammar school kids are getting caught up in the adult politics of sex harassment. But sexual harassment laws are unnecessary and should be repealed. The argument for this is made in legal and economic terms by law professor Richard Epstein in his 1992 book, "Forbidden Grounds: The Case Against Employment Discrimination Laws." This argument also is made in sociological and historical terms by literature professor Camille Paglia in her provocative 1994 book, "Vamps & Tramps." We should heed the advice of these two ahead-of-their-time thinkers and repeal all sexual harassment laws.

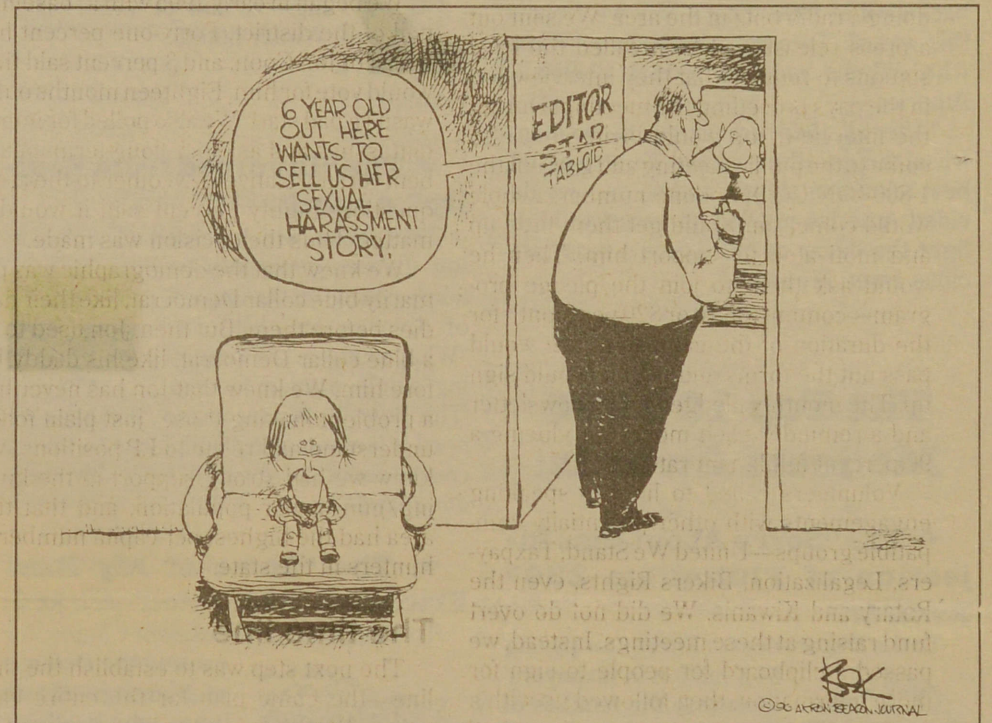
Sexual harassment laws are superfluous because every kind of sexual harassment already can be remedied under the common law of contracts or torts (personal injury law). These remedies include suing for battery, assault, intentional (and negligent) infliction of emotional distress, and invasion of privacy.

The phrase "sexual harassment" was first coined in 1974 at Cornell University. Since 1979, after the publication of Catherine MacKinnon's "Sexual Harassment of Working Women: A Case of Sex Discrimination," sexual harassment law has expanded dramatically. It leaped forward in 1986 when *Meritor Savings Bank v. Vinson* ushered in the "hostile environment" prong of sexual harassment, which forbade sexy calendars, jokes, comments, and uninvited phone calls and letters.

But prior to 1975, before sexual harassment had become a household word, employees already were protected from being fired for refusing the sexual advances of a superior. Before harassment laws, contract and tort law sufficed to protect workers, and they still do.

In *Monge v. Beebe Rubber Co.* (1974-NH), the court ruled that under common law the covenant of good faith implied in every contract (and employment relations are just contracts) precludes firing someone because of rejected sexual advances. Such an arbitrary firing was (and still is) precluded by basic contract law. This one kind of sexual harassment—so-called "quid pro quo" direct harassment (provide sexual favors or get fired)—was and still is protected against by common law.

The second kind of sexual harassment, "hostile environment" or indirect harassment, was ushered in by *Meritor Savings Bank v. Vinson*. But this kind of harassment too can be remedied by ancient tort law whose principles are quite clear after centuries of litigation.



Commentary

For every example of sexual harassment, there always has been a common law remedy. Fanny-pinching and kissing without consent always have been battery. Verbal threats always have been assault. Threats of future physical harm always have been intentional infliction of emotional distress or outrage. Stalking, following, or oversoliciting always have been invasion of privacy or assault. (Jackie Onassis relied on the tort of invasion of privacy to discourage an overzealous suitor in *Gallela v. Onassis* in 1973.) Extreme, repeated, and unwanted sexy calendars, jokes, or comments always have been intentional or negligent infliction of emotional distress or assault. And offending work conditions of all types have been regulated away by collective bargaining that has for decades improved work conditions through contract law.

Sexual harassment law goes too far. For example, employers usually should not be liable for the sexual harassment torts of their employees, as recent law has held. This is because such conduct should sever the vicarious liability of the employer because the employee was on a "detour" or "frolic." Early sexual harassment cases like *Corne v. Bausch & Lomb* in 1975 held just this. (Further, employers never have been

held liable for the intentional torts or crimes of their employees.) The frolic doctrine should relieve employers when their employees' acts exceed the scope of their employment, but ideological sexual harassment law has altered this old and well-accepted doctrine. Yet under common law, hostile environment cases still could extend to the employer if the offending practices were accepted and routine.

In short, contract law and tort law are all that is needed to protect workers from what we today call "sexual harassment" without going overboard and upsetting decades of settled law. Under the doctrines of consent and vicarious liability, all victims have a remedy. Modern sexual harassment law is redundant and unnecessary and may be creating unintended side effects like the chilling of healthy and psychologically necessary speech, friendships, and social relations between the sexes in the workplace.

Common law is better because it has been tested and refined over the ages. Further, the law of contracts and torts focuses on the pain of the victim, rather than on the motivations of the perpetrator. Being victim-centered is better. New-fangled sexual harassment laws only complicate matters by upsetting settled law and wrongfully focusing on the subjective intent of the perpetrator.

Let contract law and tort law rule as they have for centuries. Freedom of contract is always better than government regulations.

Jeff E. Jared is a lawyer and political writer living in Kirkland, WA.

net.g@ins

The following web sites are some LP members' favorites you might want to check out. If you would like to offer your favorite web pages—they don't have to be political—send them to: net.g@ins, c/o NEWS, P.O. Box 3391, Gainesville, GA 30503, or e-mail your list to lpnews@mindspring.com.

- <http://www.marijuana.org/>
Californians for Compassionate Use, the group behind the recent medical marijuana initiative in the state.
- <http://www.ischiff.com>
Irwin Schiff's Tax Freedom/Get Free page.
- <http://gladstone.uoregon.edu/~dobbs/>
Home page for the University of Oregon Libertarians.
- <http://www.lp.org/lpn/talking.html>
Index for the NEWS "Talking points" column

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Freedom lost

LP hands out first annual Modeerf Awards

And the losers are: Arizona, David Kessler, the Supreme Court, the Energy Department, San Francisco. . . and especially Bill Clinton and the 104th Congress.

Their booby prize: The Libertarian Party's first annual Modeerf Awards.

Their crime: Reducing freedom in 1996.

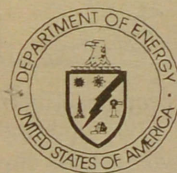
"Modeerf is freedom spelled backwards," explained Libertarian Party Director of Communications Bill Winter. "It's appropriate for these individuals and organizations, since they all moved freedom backward in 1996. That's why we created this award: To expose and shame those who did the most to reduce liberty in America."

"After all, there are awards for so many trivial things—the best and worst dressed, best television shows, and so on—we decided America needed an award to highlight the decay of our nation's most precious asset: Freedom."

The Top 10 1996 Modeerf Awards:

• The "Sorry About that Injection of Plutonium 239" Award:

To the Department of Energy for paying \$4.8 million in taxpayers' money to the families of human "guinea pigs" who had been subjected to secret government experiments. "It's the government's equivalent of the Publisher's Clearinghouse Sweepstakes—



you may *already* be a lucky winner. . . if we conducted ghoulish experiments on your relatives without their knowledge," Winter said.

• The "Of Course I Believe in the First Amendment, Except. . ." Award:

To Congress and President Clinton, for passing the Internet-censorship Communications Decency Act. "Nothing warms a politician's heart like a little book burning—virtual or otherwise," Winter noted.



• The "Divorced from Reality" Award:

To Arizona, which passed a law requiring divorcing parents to take a course on the impact of divorce on children. "What next—a law requiring single women to read 'The Rules'?" Winter asked. "Perhaps we need a law requiring politicians to take a course about the impact of their silly, meddling laws."



• The "Some of My Best Friends Are Married" Award:

To Congress and President Clinton, for passing the Defense of Marriage Act in June, which allows states to refuse to recognize same-sex marriages. "Apparently it takes a village to raise a child—but the entire Congress to protect heterosexuality," Winter said.



• The "What's Yours Is Mine" Award:

To the Supreme Court, which ruled in March that the government can seize the property of innocent people under asset forfeiture laws. "This ruling proved that the Supreme Court doesn't know their assets from a hole in the Bill of Rights—which is what they've created with this unconstitutional ruling," Winter said.



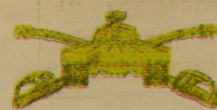
• The "Sometimes A Cigar Is Just A Cigar" Award:

To San Francisco, for spending taxpayers' money on an advertising campaign that compares cigars to dog droppings, launched after politicians decided that too many young women were smoking cigars. "Something stinks here, and it's not cigars—it's politicians who think it's their job to nag adults about our bad habits," Winter said.



• The "Give War A Chance" Award:

To President Clinton for extending the stay of American troops in Bosnia for another year. "But give Clinton credit," Winter said. "In 1996, he resisted the urge to send American troops to numerous other international battlegrounds: Chechnya, Northern Ireland, Rwanda, and the divorce court of Charles and Diana."



• The "Get A Real Job" Award:

To Congress and President Clinton, for increasing the minimum wage, thus destroying an estimated 200,000 entry-level jobs. "It was the ultimate job protection bill: protecting the jobs of politicians," Winter noted. "Now they can start handing out federal goodies—like welfare and job training programs—to those 200,000 voters they threw out of work."



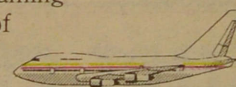
• The "This Will Only Hurt for Six Years" Award:

To David Kessler, FDA Commissioner, for another year of making Americans sick under the guise of keeping them healthy. "Doctor Kevorkian has nothing on Doctor Kessler—who has spent six years keeping lifesaving drugs off the market and trying to restrict health-enhancing vitamins. He's a regulation epidemic," Winter said.



• The "There's A Terrorist Under Your Bed" Award:

To President Clinton and congressional Republicans, for blaming the tragic crash of TWA Flight 800 on terrorists, and using it as an excuse to try to pass a "wish list" of unconstitutional anti-terrorist legislation. "This legislation proves that Americans have more to fear from politicians than they do from terrorists—especially non-existent ones," Winter said.



Freedom will triumph

But utilitarian case of secondary importance

By JACOB G. HORNBERGER

I must take issue with Harry Browne's article, "Selling the Benefits of Freedom" (January 1997 NEWS).

A libertarian revolution *will* ultimately prevail in America. But the primary reason will not be because people recognize the benefits that freedom offers. Freedom will triumph for the same reason it has done so throughout history—because the desire for liberty and for the triumph of moral principles will burn as brightly in the hearts and minds of the American people as it has in political revolutionaries throughout history.

The 19th-century Texas revolutionaries did not fight at Goliad, San Antonio, and Houston simply because freedom would bring benefits. They fought because they wanted to remain free men—and they recognized that their government's plans to tax and regulate them would deprive them of that freedom.

The 18th-century American revolution-

aries did not devote their lives, fortunes, and sacred honor to that revolution simply because freedom would bring benefits. They fought because man has inherent, inalienable rights—including liberty—with which no government can legitimately interfere.

The utilitarian case for freedom is important, but only secondarily so. The fact that a free society brings economic benefits is icing on the freedom cake, but it is not what drives political revolutions. What has motivated men and women throughout history to stand against their own government is the burning desire to be free. As Richard Ebeling, an associate of mine, once put it, "No one in history has ever gone to the barricades for the sake of a cost-benefit analysis."

Advocates of government delivery of first-class mail point out that one of the areas in

which the U.S. government works best is the U.S. Postal Service because it has a 91 percent on-time arrival rate. Will people devote their lives and fortunes simply to gain the benefits of a 100 percent on-time arrival rate? I don't think so. But if they conclude, as we libertarians have, that individuals have the inherent, fundamental right to engage in any economic enterprise without governmental interference, then we are much more apt to see private, first-class mail delivery.

Thus, we must call for the repeal of such things as income taxation not simply because this will result in economic benefits, but because people have the moral right to keep the fruits of their earnings.

We must call for the repeal of Social Security not simply because freedom will bring benefits, but because it's wrong to steal, even when it's done through the political process.

We must call for the end of the war on drugs not simply because freedom will bring benefits, but because individuals have the

inherent right to live their lives the way they choose, so long as they do so peacefully.

I feel the same frustration as other Libertarians. We fight and fight, but the vote totals remain disappointingly low at the national level. But if freedom were easy to achieve, everyone in history would have had it. Freedom is won by those who persevere, especially in the face of insuperable odds.

Throughout history, there have been great awakenings. At various times and places, people have risen above their everyday problems to participate in the quest to be free. This will happen again, perhaps suddenly and unexpectedly. It is up to us libertarians to continue fanning the embers of liberty that lie deep within the hearts and minds of the American people.

Jacob G. Hornberger is the president of the Future of Freedom Foundation and was the keynote speaker at the 1996 Libertarian Party National Presidential Nominating Convention.

Commentary response

LP: 1996 Year-end report

continued from page 1

☆ **Outreach:** We spent more than a quarter of a million dollars on campaign advertising (including Browne for President expenditures). This is the largest amount since 1980. We also spent more than \$100,000 on direct-mail prospecting and distributed more than \$100,000 worth of LP literature.

☆ **Media:** We generated more than \$5 million in "free" media—the largest and most concentrated blitz of media attention in the party's history. (This figure was arrived at by multiplying the amount of free air time we received times the per-minute rate of each program we appeared on. This figure does not include print media.) We also garnered more than 70 media

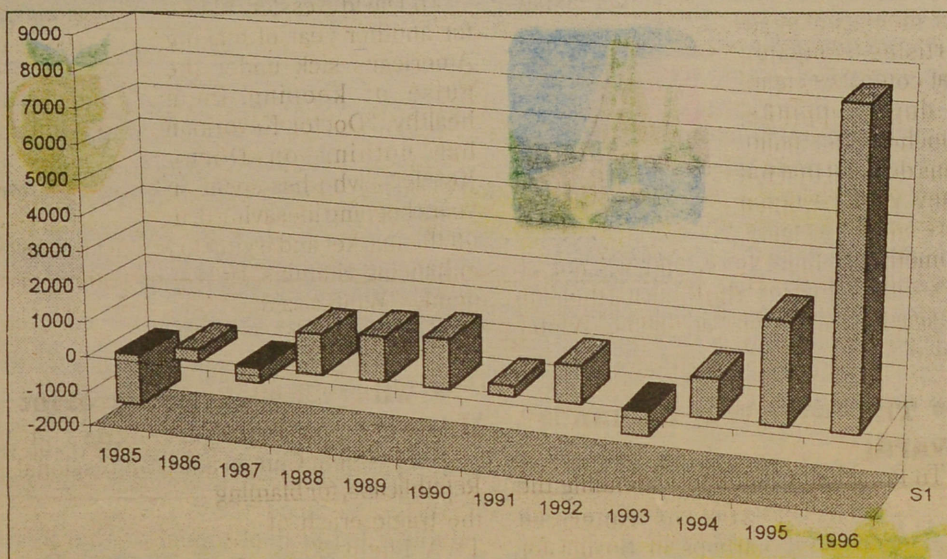
endorsements for Harry Browne—by far the most in party history. And we received an additional 200 endorsements for Harry's inclusion in the debates—another unprecedented achievement.

☆ **Inquiries:** Our combined media and outreach efforts generated more than 40,000 inquiries.

☆ **Presidential Votes:** We won 485,120 votes for president, the second-largest total in party history. This represents a 60 percent increase over 1992.

☆ **Voter Registration:** The number of voters registered as Libertarians rose from 129,000 to more than 163,000—a 21 percent increase.

Net membership growth since 1984



Cost per vote

The following chart shows the cost per vote for each of our presidential campaigns (using combined presidential and LNC fund raising adjusted for inflation).

Campaign Year	Total Raised	Votes	Cost Per Vote
1976	\$1,298,346	176,000	\$7.38
1980	\$7,230,206	922,001	\$7.84
1984	\$1,726,526	228,796	\$7.55
1988	\$3,261,335	431,616	\$7.56
1992	\$2,284,713	289,189	\$7.90
1996	\$3,574,328	485,120	\$7.57

Hold these dates. . .

July 2 - July 5, 1998

**for the 1998 Libertarian Party
National Convention in Washington, DC**

Plans are under way for the best convention we've ever had. You can be a part of making it better right now by doing all you can to boost national party membership.

Those affiliate parties showing the greatest national membership growth during 1997 will be given preferential seating at the convention. Every new national member from your state helps earn you a front-and-center seat to the best national convention yet.

More news about the convention will appear in future issues of the NEWS.

Income and expenses

This chart shows LNC income and expense for 1996, by category. (Note: the structure of this chart is slightly different from the structure used in the LNC's formal accounting. Here some staff expenses are allocated to administration and some to projects. Miscellaneous fund-raising expenses are allocated on a proportional basis to all of the fund-raising expense items). As we go to press, December has not been closed yet, so the final numbers may vary slightly.

Income

	Income	Expense	Net	Expense as a % of Budget
Direct Mail	\$487,302	\$82,416	\$404,886	4%
Monthly Pledge Program	\$211,291	\$19,738	\$191,553	1%
Membership Renewals	\$157,010	\$50,489	\$106,521	2%
Telemarketing	\$152,443	\$69,421	\$83,022	3%
Major Donors	\$159,806	\$3,707	\$156,099	0%
List Rental	\$31,223	\$1,139	\$30,084	0%
Dues via Affiliates	\$48,668	\$13,284	\$35,384	1%
(and unified membership payments)				
Service Fees from	\$152,820	\$ ----	\$152,820	0%
Presidential Campaign				
Membership Recruitment	\$142,222	\$151,036	\$(8,814)	7%
Mailings				
Inquiry Response	\$155,419	\$181,774	\$(26,355)	9%
Material Sales	\$124,141	\$121,916	\$2,225	6%
LP NEWS Advertising	\$7,263	\$ ----	\$7,263	0%
Brochure Memberships	\$10,069	\$4,228	\$5,841	0%
Targeted Advertising	\$45,168	\$ ----	\$45,168	0%
Contributions				
Unsolicited Contributions	\$124,737	\$ ----	\$124,737	0%
Convention Fund Raising	\$126,485	\$41,866	\$84,619	2%
Targeted Ballot Access	\$868	\$ ----	\$868	0%
Contributions				
Targeted Campaign	\$1,209	\$ ----	\$1,209	0%
Contributions				
Total Income	\$2,138,144	\$741,014	\$1,397,130	35%

Expenses

Administration Expenses

Rent/Physical Plant	\$72,828	3%
Paid Staff	\$129,315	6%
Software and Equipment	\$52,903	2%
Administration Postage, Phone, Supplies	\$21,205	1%
LNC	\$8,955	0%
Taxes, legal, regulatory, banking	\$11,289	1%
Contingency Fund	\$10,691	1%
Administrative Services	\$31,069	1%
for Presidential Campaign		
Total Administration Expense	\$338,255	16%

Project Expenses

Project Staff	\$258,631	12%
Project Postage, Phone, Supplies	\$42,410	2%
LP NEWS	\$102,685	5%
Advertising	\$234,215	11%
Media Relations	\$18,145	1%
Affiliate Support	\$9,687	0%
Campaign Funding	\$22,313	1%
Campaign Training	\$10,698	1%
Ballot Access	\$371,826	17%
Total Project Expenses	\$1,070,610	50%

Total Expense	\$2,149,879	
Net		\$(11,735)

Talking points

Microsoft, e-mail, Ms.-information, and more

The tragedy of Microsoft

"Perhaps the biggest success story of the American economy in the past decade is the Microsoft Corp.

Founder Bill Gates and many other millionaires in Redmond, WA, got rich the only way you can in a free market: by producing something other people wanted.

But in our modern politicized economy no good deed goes unpunished for long. The federal government noticed that Microsoft was just too good and was helping its customers just too much. It launched a Federal Trade Commission investigation, later compounded by a Justice Department investigation.

The issue isn't whether Microsoft is or was in fact a monopolist, though the facts shed a lot of doubt on that claim. What concerns me is how the government lured Microsoft into the political sector of the economy.

As early as 1990 (Microsoft) had employed the Washington office of a Seattle law firm that includes Bill Gates father, as its chief outside counsel in Washington. In 1995 the company opened its own Washington office. It also hired a lobbying firm, headed by two former congressmen and a public relations firm. It worked on policy issues through several trade associations.

The tragedy is that the most important factor in America's economic future in raising everyone's standard of living is not land, or money, or computers; it's human talent. And some portion of the human talent at one of America's most dynamic companies is now being diverted from productive activity to protecting the company from political predation, motivated by envy, lust for power, or simply the desire to win in the political arena what you can't win in the economic arena.

The number of corporations with Washington offices increased 10-fold between 1961 and 1982. The number of people lobbying in Washington at least doubled and many have tripled between the mid-1970s and the mid-1980s. The number of pages in the Federal Register, where new regulations are printed, doubled between 1957 and 1967, tripled between 1970 and 1975, and remains at some 60,000 a year. No wonder so many corporations have opened Washington offices."

David Boaz, Cato Institute Policy Report, September/October 1996.

Straight dope from the pope

"By intervening directly and depriving society of its responsibility, the welfare state leads to a loss of human energies and an inordinate increase in public agencies, which are dominated more by bureaucratic ways of thinking than by concern for serving their clients, and which are accompanied by an enormous increase in spending. In fact, it would appear that needs are best understood and satisfied by people who are closest to them and who act as neighbors to those in need. It should be added that certain kinds of demands often call for a response which is not material but which is capable of perceiving the deeper human

Libertarian talking points

Marc Beauchamp

Editor

need."

Pope John Paul II in his recent encyclical Centesimus Annus.

Money and free speech

"Efforts to limit political contributions and spending are extremely popular [but] have been based on faulty assumptions. Although it is often said that we spend too much on political campaigns, total spending for candidates for all offices is less than \$10 per eligible voter every two years. Money is of much greater value to challengers than to incumbents, so higher spending opens up the political system to new people and ideas. Contrary to the assumption that large contributions are undemocratic is the reality that the most challenges to the status quo and most working-class political movements have been financed by wealthy donors.

Our current campaign finance regulations favor incumbents, stifle grassroots activity, distort and constrict political debate, and infringe on traditional First Amendment freedoms. There is little reason to believe that still more regulation and public funding will yield positive results."

Cato Policy Analysis No. 238, Sept. 13, 1996, at <www.cato.org>.

Don't touch that e-mail

"Who's responsible for what happens on the Internet? Princeton University recently tried to forbid its students and professors from using their Princeton e-mail or Web pages to send partisan political messages. The private university said it feared for its 501(c) 3 non-profit status, which forbids such political messages. After Princeton warned its users to pass on the politicking, the American Civil Liberties Union reminded the school that under New Jersey Supreme Court precedent, even private institutions are bound to respect the state constitution's free speech guarantees.

The university backed down. The idea that Princeton's non-profit status was in danger, says ACLU lawyer David Rocah, is 'ridiculous. That's not the law, it can't be, and it never will be. The law prevents the university itself from indulging in political activity, not others using its property. With their logic a professor using a Princeton phone in a Princeton office couldn't talk about who to vote for.'"

Reason Magazine, February 1997.

Ms.-information

"The women's magazine titles such as Redbook, Working Woman, Mademoiselle, and Parents are key purveyors of a powerful, and wrong, premise. For the past decade feminist scholars and researchers have been barraging the American public with statistics purporting to show that 'our sexist culture' is inimical to women. 'Battery increases 40 percent on Super Bowl Sunday'; 'Girls suffer a tragic loss of self-

esteem at adolescence'; 'One in four women are victims of rape or attempted rape'; '40 percent of women are severely depressed.' Although none of these alleged factlets is true, the women's media credits them. So do many women.

The drumbeat of provocative Ms.-information gives the Democrats a clear advantage. The more women are rendered insecure, the greater their felt need for programs that Democrats favor and Republicans [and Libertarians] reject. Two prominent media watchdogs, Consumer Alert and the Media Research Center, released a joint report after the election analyzing the political content of 13 popular women's magazines over a 12-month period. They found that publications like Working Woman, Glamour, and Redbook routinely 'scare women to death' by overstating risks, and they push hard for protective government programs. (In one year, the 13 magazines gave 115 positive portrayals of government activism compared to 18 articles that were critical.) The report calls women's magazines 'a liberal pipeline to Soccer Moms.'"

Christina Hoff Sommers, author of "Who Stole Feminism? How Women Have Betrayed Women," in The Washington Post, Jan. 5, 1997.

What makes a great president?

"The results of the latest survey, organized by economist Arthur Schlesinger Jr., were not surprising. Presidential greatness is defined as action, the more frenetic the better. Which means big government, the more intrusive the better.

Abraham Lincoln tops the list. He held the nation together during a crisis and killed 620,000 Americans in the process.

Second is Franklin Delano Roosevelt. His economic policies were a failure. The New Deal might have improved Americans' morale, but it did not spark a sustained recovery. Decades later, we are reaping the bigger harvest of many of his misguided initiatives.

Third is George Washington, the only one who deserves that designation, more for what he did not do than what he did. Washington rejected the opportunity to accumulate power. He truly believed in individual liberty and republican government.

What will history say of Bill Clinton? He has sent the military into action around the globe, proposed a massive new social program and talked endlessly in the action-oriented terms so loved by historians. But history is likely to render a different judgment. It will see him as yet another in a long line of political hacks mesmerized by power. And as someone willing to sacrifice American lives, wealth, and freedom for social



engineering projects at home and abroad. In short, history will not be kind to him nor to most of his predecessors."

Doug Bandow, The Washington Times, Jan. 5, 1997.

Corporate welfare killed Ron Brown

"The death of Commerce Secretary Ron Brown in a Balkans plane crash exposed the real reason President Clinton sent American troops to Bosnia: To make the world safe for corporate welfare. An aspect of the so-called Dayton Peace Accords, which led to deployment of U.S. troops, was an initial installment of \$600 million in U.S. foreign aid, much of it for construction contracts.

As was the case in Vietnam, Kuwait, Panama, Somalia, Haiti, and now Bosnia, America's corporate elite are shamelessly bilking the taxpayers and putting American lives at risk, all under the guise of patriotism and 'nation building.'

What Mr. Brown and his party of traveling CEOs were doing when their plane crashed was assuring that select American businesses, i.e. major contributors to the Democratic Party, received the bulk of the foreign aid funds through construction contracts.

'Many companies represented on Mr. Brown's missions were Democratic donors,' the Wall Street Journal reports. 'The opportunities for contracts are quite considerable,' a spokesman for Riggs Bank told *The Washington Post*. Such opportunities even included 'the import of 5,000 pregnant heifers.'

War profiteering is why high-ranking executives from such corporations as Bechtel, the Barrington Group, Guardian Industries, Riggs, AT&T, Ensearch International, Air and Water Technologies, Harza Engineering, Bridge Housing Corp., and Foster Wheeler Energy International accompanied Ron Brown to Bosnia."

Tom DiLorenzo, The Free Market, June 1996, the Ludwig von Mises Institute at <www.mises.org>.

Contributions and comments are welcome. Please e-mail them to <mbeauch@ix.netcom.com>.

Or mail them to Libertarian Party NEWS, P.O. Box 3391, Gainesville, GA 30503.

Court

continued from page 1

Chandler argued that the law should be overturned because of the Fourth Amendment's prohibition against "unreasonable" searches.

"Surely there are some limits to suspicionless drug testing," Chandler said. "This case may be an opportunity for the Court to delineate just what those limits might be."

Chandler also argued that the First Amendment's protection of free speech—especially political speech—should apply as well.

"If you refuse to take a drug test, it's like refusing to salute the flag of the drug war. Georgia has no right to keep off the ballot either those who might fail a drug test or those who might refuse to take one—the latter act (if not the former) having serious free speech implications," he said.

Attorneys for the state of Georgia argued that the state has a "compelling" need for drug-free politicians.

But that's a foolish argument, Willis countered, saying the party stands 100 percent behind Chandler in the case.

"America has a compelling need for politicians who understand and enforce the Constitution," he said. "What voters don't need are the grandstanding politicians who passed this law—apparently in an effort to prove their allegiance to the destructive War on Drugs."

"If I win, it will be a small victory for liberty," Chandler said. "But if I lose, it will be a major defeat."

The Supreme Court stunned legal observers when it agreed to take the Chan-

dler case—one of only 100 cases it will hear this term, out of more than 7,000 appeals that were filed. *The New York Times* suggested that the justices had a "curiosity to deal with this highly unusual front in the endless war on drugs."

Legal experts have indicated that Chandler has a good chance of winning his case.

Richard Winger, publisher of Ballot Access News, said, "Generally, the Supreme Court has only upheld mandatory drug testing for special occupational groups, such as people who run locomotives, or commercial airline pilots."

And *The New York Times* wrote, "Corridor handicappers at the court suspect that a Libertarian is on the verge of finally winning one against the Government."

Around the nation, editorial opinion has also been running in favor of Chandler.

And *USA Today* columnist Walter Shapiro wrote in early January, "My sympathies are with Chandler because I believe that America has run amok with its drug-testing mania. But I'm also rooting for him because I admire the national tradition that he represents of stubborn, cranky individualists who march to their own drummers out of fidelity to principle."

Chandler, 48, is a divorcee and criminal defense lawyer. He is the father of three, active in the Kiwanis Club and Presbyterian Church, and is an assistant scoutmaster for the local Boy Scout troop. He has been a candidate for public office for the LP twice, and he dates his Libertarian beliefs to his days as a student at the University of Virginia.

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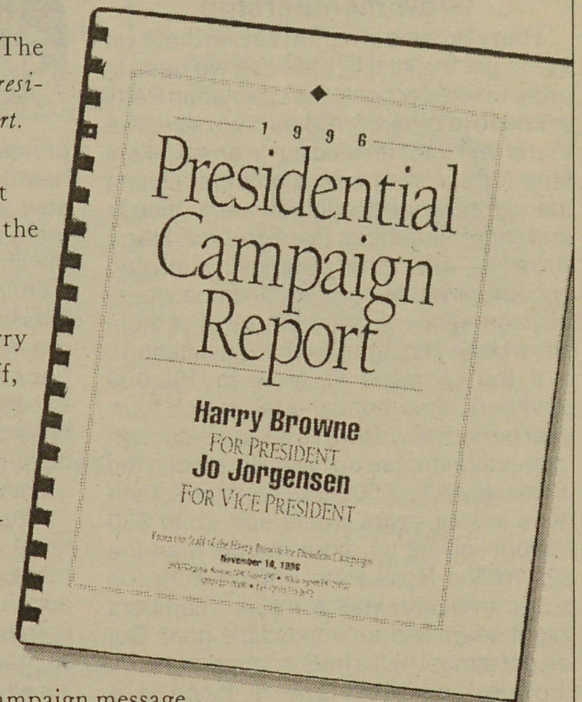
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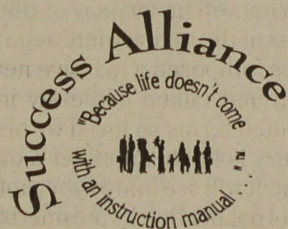
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Letters

Comments on pollution, and lots of suggestions

Grow membership

Harry Browne is right in saying that if we are to get the kind of attention we need in order to win elections, the Libertarian Party will have to grow considerably in size. I've found that after an election is an excellent time for enrolling new members. During the campaign, I convinced many friends and acquaintances to vote for Harry Browne. After the election, I started encouraging them all to become dues-paying members of the LP. Most of them have been joining up with no hesitation.

If the LP were to grow to 100,000 members, their annual dues over a four-year period would be \$10 million—enough to greatly increase our visibility among the public. If we had 500,000 members, their dues in four years would add up to \$50 million—giving us more money than the \$29 million Ross Perot milked from the public treasury. Half a million members might seem like an impossible goal. But we got almost half a million votes for Harry Browne, and every one of those is a potential member. Plus, polls show that there are millions of Americans whose beliefs are essentially libertarian but who don't know about the LP. The more members we get, the more we will have the resources to reach these people.

Harry Browne is also absolutely correct when he says, "There is nothing wrong with our message or the way we're



Staying in touch

Letters to the editor

presenting it. We simply need to have it heard by more people more often between now and the next election." I found that there was a very high acceptance rate of the libertarian message once people had a chance to hear and understand it. The message was much easier to sell on a one-to-one basis in 1996 than in 1992 because many more people, in my experience, seemed ready to hear it. I've set a goal of personally enrolling 20 new dues-paying members in the next three months.

The Browne campaign accomplished a great deal. But Harry Browne is right that the best way to capitalize on those accomplishments is simply to continue spreading the word and building the party. He doesn't say it will be easy; he just says it's what we have to do. So, let's do it!

Tom Regnier

Secretary, LP of FL
Lauderhill, FL

Run as GOP

Texas Congressman Ron Paul has shown the way to victory. Instead of wasting time and resources fighting restrictive ballot access laws, we should

be registering as Republicans (while maintaining membership in the Libertarian Party, of course) and supporting Libertarian/Republican candidates. Perhaps then we could legitimately congratulate ourselves on our congressmen, instead of consoling ourselves with county commissioners such as Tom Tryon, who must share my disappointment with the national results of the election.

Jorge G. Avila
Burlington, KY

Pollution property rights

One of the issues which libertarians have problems with is the environment and pollution. Our candidates either ignore the issue or don't devote much time to it and our platform does not propose specific solutions. On the bright side, Republicans and Democrats don't seem to know what to do with this issue either, other than to propose more government.

A solution put forth by Michael Rothschild, author of "Bionomics: Economy as Ecosystem," suggests that the government should create pollution property rights by requiring people who pollute to purchase transferable, divisible certificates which authorize that pollution. A base year would be selected and certificates would be authorized for the amount of pollution in the base year only. Polluting without a certificate (trespass) would be backed by heavy fines. These certificates would initially be auctioned off by the government, similar to the spectrum auctions now going on, and then traded on commodities exchanges. Certificates would be issued for each kind of pollution—acid rain, CO₂, sulfur dioxide, ozone, etc.

There are a number of advantages to this scheme. First, and probably foremost, it puts a price on pollution. Automobile manufacturers and utilities, for example, could look at the market and evaluate fairly quickly whether to invest in alternative technologies. If they have to spend \$30 million on pollution certificates, you can bet they'll look at other solutions. Second, it gets rid of the commons problem. Third, it gets rid of significant portions of the EPA bureaucracy. Fourth, there are no taxes involved. Fifth, it permits environmental groups to put their money where their mouth is—they can use their funds to buy up as many pollution certificates as they can afford and burn them, thus permanently reducing the amount of pollution in our society.

I have several questions for readers. 1) Is this plan sufficiently libertarian to be worthy of our support? 2) Recognizing that pollution property rights may be a product that nobody wants, can we justify government involvement in establishing them to minimize trespass and mandating their acquisition? 3) What should be done with the money raised from the auction? 4) What problems do you see with this plan? 5) What other plans might work better?

Please reply in this forum or send them to David Aitken, 1240 Ogden #4, Denver, Co 80218, 303-831-4334, e-mail: david.aitken@kr-bbs.com.

David Aitken
Denver, CO

Crossroads

Harry Browne's vote count was very disappointing. We received more exposure than ever before. If our libertarian message was working, we should have received more than a million votes.

The Libertarian Party is at a crossroads. We can either decide to be a mainstream party of the future, which I am advocating, or we can choose to remain just a gadfly in the political process. These are the steps we should take to make the party part of the mainstream political arena:

1) Simplify the platform by stating our general philosophy rather than giving specifics. Libertarians do not agree on the specifics. Giving too much detail allows us to become easy prey for our opponents. Instead, we should provide generalities that will reassure people that their life will not be disrupted. It is counter-productive to confuse the electorate with things that are irrelevant to our immediate goals.

2) Get rid of the pledge/oath. The LP is a political party—not a private club nor a religious order. The principle is untenable. Harry Browne's platform violated the pledge since it called for the imposition of tariffs and excise taxes, which confiscate money through the threat of force. The principle is like a star toward which we should aspire. However, it must not be a requirement to swear allegiance to the party to participate. The pledge only turns people away.

3) We need to accept governmental matching funds. This money has already been stolen from us by taxation. Taking back some of it, in the form of political contributions, is the right thing to do, both morally and pragmatically. By refusing to accept back from the government what is ours, we are sending the wrong message—we are being passive in the face of the injustice of taxation and redistribution of our money to other political parties. The Democrats and Republicans established the rules of the game, using taxes to create matching funds. We didn't.

4) When running for president, or for any other political office, we need to campaign based upon something that can realistically get done. Asserting that we will get rid of 50 percent of the government in the first year in office, as Harry Browne advocated, makes us appear ridiculous. The president doesn't have that power. We should preach incremental rather than revolutionary change.

Alan E. Kleist
Cheverly, MD

Foundation

Since I've come to consider the Libertarian Party as my new home, and find myself constantly reading the opinion section of our newspaper, I find myself shaking my head in utter bewilderment at what most members of the party call "freedom of conscience."

Every time I've had a casual discussion of the in-depth Christian morals that this country was founded on, I have had the "unfortunate privilege" of watching the membership wince in repulsion at the mere suggestion of returning to that very foundation.

see **Letters** on page 14

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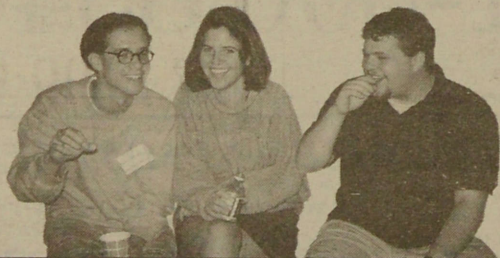
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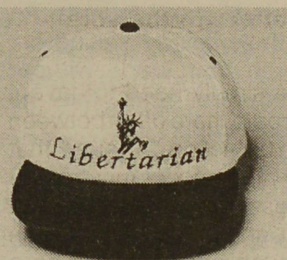
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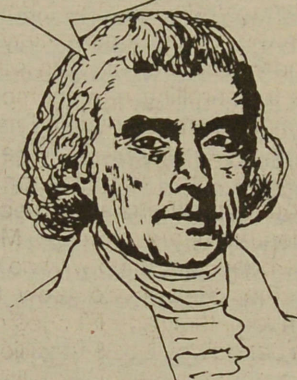
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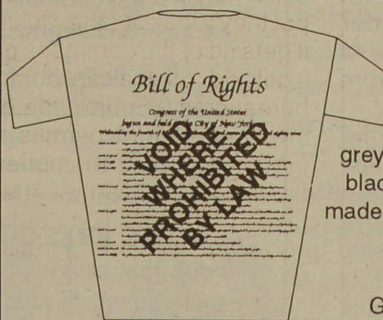
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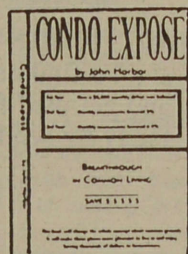
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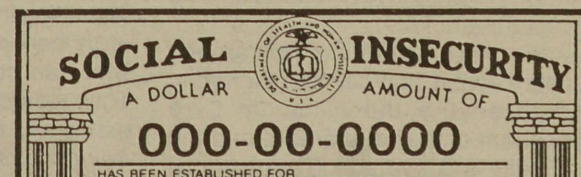
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Letters

continued from page 12

Does the membership honestly believe that these United States will ever recapture its former awesome status in the world, as being the one power that you don't want to mess with—except on friendly terms, without a "hard and fast" return to our Christian foundation? If the membership does, then it's fooling itself.

It should be noted, however, that the moral foundation that I'm referring to is not the bogus, bone-headed, passive, limp-wristed b.s. that we Americans are getting from the churches today.

What I am referring to is returning to a righteous interpretation of Romans, Chapter 13, and then verifying to the fools in the churches of this country that: 1) Christ was not a pacifist; and 2) that money in and of itself is not the root of all evil, but rather that "the love of money" is the root of all evil.

Many of us have "religious right" or right-wing convictions that we do believe fit in quite well with the libertarian philosophy. Unfortunately, many of the left-wing within our party seem to think otherwise. The left-wing, and the party as a whole, had better be willing to practice true tolerance of the rest of us, because we're just as much Libertarians as the rest of you—and perhaps even more so.

Eric P. Frizzell
Mayer, AZ

No way

Libertarians are *not* collectivists (Dec. 1996 NEWS). Collectivism is "a political or economic theory advocating collective control, especially over production and distribution, or a system marked by such control," according to "Webster's Ninth New Collegiate Dictionary."

That definition might describe communism—or even certain republicrat views—but it could never be applied to libertarians, who believe in the free market.

The primary objective of any corporation (or manufacturing company) is to earn a profit for its shareholders. Employees should be paid the fair market value of their labor—not whatever amount they can extort from their employers by collectively coming together in an attempt to control production and distribution.

Like-thinking individuals pulling together to *non-forcefully* promote a common cause makes those individuals a group and nothing more. I am a libertarian. I am *not* a collectivist.

Anita C. Farley
Cookeville, TN

Wake up call

The LP's 0.5 percent share of the popular vote in the presidential election was a surprise. With articulate candidates like Harry Browne and Jo Jorgensen, backed up by Browne's hard-hitting book, "Why Government Doesn't Work," Libertarians expected to at least break the 1 percent threshold.

Assuming that Ross Perot isn't around in the next election, how can the Libertarian candidate secure the minimum 5-10 percent share of the popular vote needed for credibility and leverage in the political process? Here are some ideas:

1) Money. The LP needs its own billionaire backer. Steve Forbes, who has libertarian sympathies, perhaps could be persuaded that "working within the system" in the pro-government Republican Party leads only to getting co-opted by the status quo. And there are others like him.

2) Celebrity. Ronald Reagan, Sonny Bono, and Clint Eastwood are among the former entertainers elected to public office. A celebrity candidate or spokesperson could bring instant recognition to the LP.

3) Platform. Much as we might like to see income taxes and entitlements banished in the first 100 days of a Libertarian presidency, it isn't going to happen with a Depublicrat Congress. An LP "Contract With America," setting out realistic, moderate first steps without compromising long-term goals, may be needed to broaden support.

4) The Future. If the Democrats can invoke the interests of children to advocate big government, the LP can employ children to illustrate the merits of limited government. LBJ's 1964 TV spot showing a little girl peeling the petals off a daisy had a strong impact in painting Goldwater as a threat to peace. Why not invoke similar imagery to show how dead-end entitlement programs blight our children's future?

The 1996 election was a wake-up call to the LP. It indicated that fielding capable, intelligent candidates is not enough. Without compromising its standards, the LP has got to employ proven fight-to-win tactics to broaden its base.

Michael Browning
Fair Lawn, NJ

Two more suggestions

Now that the elections are over and the votes are totaled, two aspects of this campaign need to be re-examined. These are the approach that Libertarians need to take toward those who are totally dependent on government programs for survival, and the internal workings of our selection process for presidential candidates.

First, we need to sell our viewpoint to many Americans who do not recognize the fallacy of socialism. When we say, "Government Doesn't Work," many of these slaves—from farmers to passenger railroad workers to the handicapped, especially the blind—laugh at us. For these people, government provides the only means for existence. Withdrawal of subsidies and rehabilitation programs would lead to their starvation. Libertarians need to detail the process of transferring these groups from government dependency to independence under private enterprise. These details would inspire them to liberate themselves from their statist prisons.

The second problem concerns the passage of Rule Nine during the last convention. Under present rules, a presidential candidate *must receive signatures of 35 delegates before being presented for nomination*. This rule is based on the participation of candidates in primaries and state party conventions before the national convention takes place. This procedure requires the candidates to spend large amounts of money, thus restricting the selection to only rich people, or those who are dependent on backers who can control the candidate's views. This restricts the choice for delegates, especially those who *do not believe in being committed to anyone before the national convention*, or those who because of poorly financed conventions do not have *personal* access to *all* candidates. It also deprives the winning candidate of the means of selecting a cabinet from the losers so that he can avoid accepting referrals from statist institutions should he be elected.

I fear that Rule Nine subjects the LP to rule by elitist forces in the name of satisfying TV stations, and can lead to the destruction of the LP. This Rule Nine needs to die during the next convention so that we who come from small state parties can have a voice in determining the nominee, and not become puppets of those who desire that we imitate the major parties.

Jeffrey Dicket
Louisiana LP vice chair
New Orleans, LA

Even more suggestions

I agree that there is nothing wrong with our message, and I will grant you that huge amounts of money are needed to build the party, get members and ballot access, and buy advertising space and media time. But I believe that there *is* a problem with the way we are promoting our message, and money alone isn't going to fix it or raise us the members we need...

The approach of the LP has been to appeal to the part in all of us which is discontent with the taxes we are paying. It is a "here's what's in it for me" campaign. And even I, a die-hard Libertarian, am turned off by it. I believe that the approach of the LP in the 10 years I've been involved has been too narrow for *all* quadrants of the political field except those who are already ideologically converted. . .

[F]or president we need a candidate who appeals first and foremost to the social conscience. She/he will be someone whose life is immersed in voluntary social giving and/or organizing, and whose passion for libertarianism is rooted in her/his belief and experience that *big*

government interferes with and prohibits us in our efforts to voluntarily help each other as well as ourselves. We need a Peter Breggan, Marshall Fritz, or Mary Ruwart—someone who says, "Liberty alone is not going to do it. But we do need liberty in order to set the love free. . ."

I would like our main message to be, "We are going to be a society that helps take care of its needy members. . .but we're going to do it without force and theft." If we want to have a prayer that people will believe that this is possible, we need to have at least the beginnings of an infrastructure of voluntary giving in place, ready to help. As Libertarians we ought to be involved and visible in that helping. Like the black market in ex-Soviet countries that was there to take the place of a planned economy when it fell, we need to be there with our black market voluntarism when welfare ends.

Vera G. Dyck
Chalfont, PA

Belief system

While Harry Browne has my utmost admiration and I regret that I had but one vote to cast for him, I must register my shock at his claims about Christianity (Jan. 1997 NEWS). This belief system, while widely held in the West, is not "the world's most popular philosophy," nor does it "provide the basic premises on which most social issues are argued." Those premises existed long before Christianity came along and claimed them as its own.

Lenny Maughan
lenmaughan@aol.com

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Randy Langhenry, editor

Calendar of Upcoming Events

Feb. 15, 1997:

Massachusetts LP Convention, Marlborough Best Western Hotel, Marlborough; for information call 617-625-1100. Speakers include Don Gorman and *Boston Globe* columnist Jeff Jacoby.

Feb. 22, 1997:

"Decision '98," sponsored by the LPM Congressional Committee and the Libertarian Campaign Managers Association, Church Hall, Ferndale; for information call 810-399-9177. Event for those interested in becoming candidates, campaign managers, or activists in 1998 campaigns.

March 8, 1997:

Third Annual Sam Adams Dinner, The Heidelberg, Ann Arbor, MI; for information call 313-944-8101. Sponsored by the LP of Washtenaw County. Jacob Hornberger will be the guest speaker.

April 4-6, 1997:

Pennsylvania LP Convention, Hilton Hotel, Allentown; for information call 610-264-3692.

May 2-4, 1997:

Ohio LP Convention, "Nuts and Bolts of Political Campaigns," Springfield; for information call Tom Brown at 937-296-0543.

May 2-4, 1997:

Michigan LP Convention, "Libertarianism

in the 21st Century," Holiday Inn, Traverse City; for information call 616-941-1306. Special events include Casino Night and workshop on "Why and How to Build Affiliates."

May 24-25, 1997:

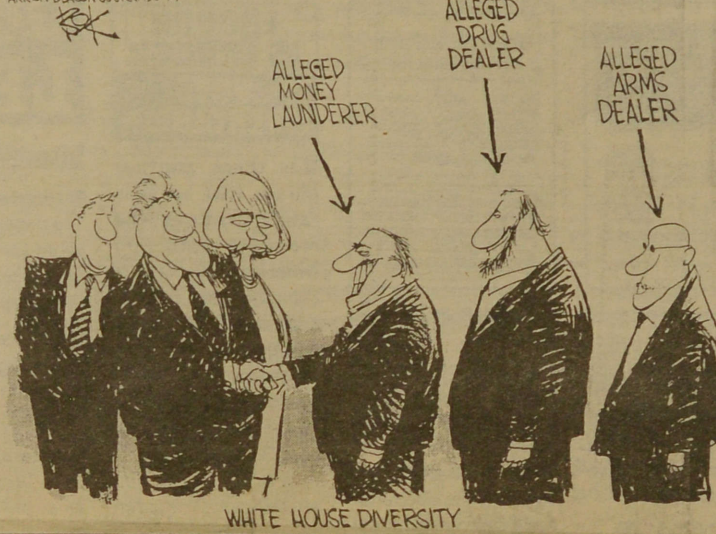
Florida LP Convention, Sheraton Hotel, Maitland; for information call 407-578-3797.

May 31-June 1, 1997:

New York LP Convention, Stadler Hotel, Ithaca; for information call 607-687-7597.

Send upcoming event notices **early** to: NEWS, P.O. Box 3391, Gainesville, GA 30503

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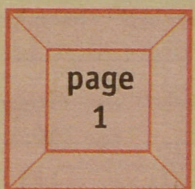
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Retrospective

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Intellectual ammo

"Talking points" takes a look at e-mail, Ms.-information, more

Enlightened

PAUL MULSHINE — from the *New Jersey Star-Ledger*,
Sept. 1, 1996:

“ The Libertarians are in the process of spreading a lot of ideas that could eventually change the nature of the debate between the two major parties. . . [their] entire platform is based on a word that the major-party politicians use so rarely that it might as well be called the F-word — freedom. ”