

# LIBERTY PLEDGE

newsletter

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## BALLOT ACCESS NEWS...

### Ohio LP could win ballot lawsuit, Winger says

Ballot access expert Richard Winger is optimistic that the Ohio LP could win a lawsuit against the state as a result of its decision to throw out more than 60,000 ballot access signatures collected by Libertarians.

"Ohio's action in disqualifying a petition with over 60,000 names, just because the format and wording are slightly different than the approved form, is unheard of in other states," said Winger, publisher of *Ballot Access News*. "If Libertarians do file a lawsuit, and argue that Ohio's ballot access requirements are unconstitutional, they should have a good chance of winning the case."

Ohio Secretary of State J. Kenneth Blackwell sent shockwaves through the Ohio LP on November 24 when he decreed that every one of the 60,000-plus signatures they had gathered over a two-year period was invalid because of minor, technical violations of state election regulations.

Specifically, Blackwell said the petition forms used by Libertarians were illegal because a space had been added for signers to print their last names, and because a sentence about the legal penalty for falsification was slightly different than the state's mandatory language.

Though the LP has not decided whether to file a suit, it has consulted an attorney and is "examining all options at this time," says LP State Chair Jason Hallmark.

The LP has at least two grounds on which to sue, Winger says.

One, it can argue that Ohio's November petitioning deadline -- one year before the election -- is unconstitutional.

"Precedent is heavily on the Libertarian Party's side," Winger said. "Lawsuits to overturn early petition deadlines have succeeded in 12 states -- and there are no court precedents upholding such a deadline earlier than April of the election year."

Two, Libertarians can argue that "disqualification of its petition for petty format reasons violates due process," he said. "It may be that Ohio will be sorry they threw out that petition on a technicality."

The decision proves that the state of Ohio is "hostile" to third parties, said Winger, adding that, "Now, the pattern will be repeated in 2004 [unless a lawsuit is successful]."

## LOCAL TAX VICTORY...

### Monterey County residents are now \$250 million richer

When does a half-cent equal a quarter-billion dollars? When it comes in the form of a sales tax increase in a county of 400,000 people.

That's the lesson just learned by voters in Monterey County, California, who collectively will be \$250 million richer -- thanks to the LP's successful fight against the half-cent tax hike.

Measure Q, which appeared on the December 2 ballot, would have boosted the county sales tax to 7.75 percent from 7.25 percent to bail out a county-run hospital.

"Enough people saw through this sham, and defeated Measure Q," said Monterey County LP Vice Chair Lawrence Samuels, who chaired the Coalition of Taxpayers Against A Sales Tax Increase. The measure failed on a 61.4 percent to 38.6 percent vote. Though it did win a majority of votes, it required two-thirds -- or 66.7% -- to become law.

The cost to taxpayers would have been \$25 million a year for at least 10 years -- which works out to \$250 million in higher taxes.

Before the election, the coalition posted "No on Q" signs around the county, conducted media interviews, and distributed anti-tax pamphlets. Samuels also participated in a debate sponsored by the League of Women Voters.

## Welcome back!

The national LP has good news to announce on the membership front: Hundreds of lapsed members have returned to the party over the past three months.

"As a result of our last two mailings, 302 lapsed members have returned to the party and they have contributed a total of \$24,604," said Executive Director Joe Seehusen. "Please join me in welcoming them back."

Seehusen acknowledged that overall, membership numbers have continued to dip over the past year, and said, "Nonetheless, this is great news, because it shows that we have identified one strategy that may help us reverse this trend. I believe many more Libertarians are ready to return to the fold; all we have to do is ask."

## Sheriff throws hat into Utah governor's race

By Dan Harrie

Richard Mack, a former lawman from Arizona and failed candidate for Utah County sheriff, now is running for the state's top elected office as a **Libertarian**.

"It's time to throw some good old-fashioned competition at the Democrats and Republicans," says Mack.

Following an interview Thursday in *The Salt Lake Tribune* building in downtown Salt Lake City, Mack stopped to sip from a drinking fountain and remarked that recent fluoridation of the public water system was one of the stupidest actions ever taken by government.

But that's the way he feels about a lot of government policies.

He calls the federal anti-terrorist Patriot Act "an unconstitutional abomination," Utah's heavy federal land ownership "an absolute disgrace" and gun-control laws a joke.

If elected governor, vows Mack, he would exert the power of the office to counter all of them.

"The governor can do a lot more to stand against federal intervention and usurpation," insists the 50-year-old Provo resident. "I'm going to be the states' rights governor."

Mack, though, has tall obstacles ahead of him. The highest office to which any Libertarian in the state has been elected is mayor of the tiny southern Utah town of Big Water.

"I don't want to be negative about him, but the Libertarians never do well," says state Republican Chairman Joe Cannon. "They are a small, highly motivated group of people that just aren't much on the radar scope of Utah voters."

Moreover, Mack's personal history seems to be against his long-shot bid.

In 1998, he was badly defeated in his bid to wrest the Republican nomination from incumbent Utah County Sheriff Dave Bateman -- a loss he blames on a federal raid of the company he then worked for just five days before the primary vote.

"The timing was a setup, there's no question in my mind," he says, adding he never was charged with any crime.

Utah County Republican Chairwoman Marian Monnahan says the raid was only part of the reason, and of less importance in his defeat than his status as a relative newcomer to the county and his record of "party jumping."

Mack served two terms as the Democratic sheriff of Graham County, Ariz., before being soundly defeated in 1996. Some of his critics labeled Mack a demagogue affiliated with militias and hate groups. Mack denied the accusations, including published reports in the *Los Angeles Times* and the *Boston Globe* that he had raised an armed citizen posse in Arizona to help enforce the law.

He is less vague in predicting his chances of electoral success.

Come election day, he says, "Lo and behold. I'll pull off a surprise, just like [former Minnesota Gov.] Jesse Ventura."

(Left) *The Salt Lake Tribune*, Salt Lake City, Utah -- November 7, 2003

(Below) *Democrat & Chronicle*, Rochester, New York -- November 13, 2003

## Ohio radio talk show host hopes to beat Bush in 2004

By Joseph Spector

Gary Nolan thinks he can beat President Bush in next year's election.

Nolan, a **Libertarian** candidate for president, hopes he can get enough votes and make enough noise to affect the outcome.

"Even if I don't win, it's not unrealistic for me to tell you that I can unseat George Bush," said Nolan, a former nationally syndicated radio host who left the microphone last year to run for president.

Nolan made his first forays into New York politics on Wednesday when he drove himself from his hometown of Cleveland to Rochester to speak to student Libertarian groups on the campuses of the University of Rochester and the State University College at Brockport.

He plans to continue to tour colleges and high schools around the country and also target small businesses, which he says have been crippled by federal and state mandates.

"This is an outreach," said Nolan, 49, a former Republican who has never run for office before. "We need to educate voters that there's a viable third party and that they have solutions to problems that (voters) are concerned with."

Nolan's campaign echoes Libertarian ideals: smaller government, more civil liberties, drug legalization and greater military isolationism.

Nolan is seeking the Libertarian nomination at the party's convention in May.

His main opponent is Michael Badnarik, a Texas-based computer consultant.

Even if Nolan wins the nomination, he faces an uphill battle in the presidential race, political experts said. In 2000, Libertarian presidential candidate Harry Browne got less than half of 1 percent of the vote.

And with little money — Nolan has \$38.96 in his campaign account — he could only aspire to have the influence like Green Party candidate Ralph Nader had in 2000, when Nader got about 3 percent of the vote, political experts said.

"A third-party candidate who taps into some kind of underlying frustration with the majority parties, although they can't win themselves, could impact who does," said Frank Newport, editor-in-chief of the Gallup Poll, based in Princeton, N.J.

# Orange County judge announces Senate run

By Claire Luna

As crusades go, Judge James P. Gray's fight to legalize drugs has been a long and lonely one.

His advocacy of treatment instead of jail time for drug offenders has gained some converts, but Gray's views remain largely on the outskirts of acceptability. Some of his closest friends disagree with his opinions, and his most vicious opponents accuse him of being a biased, negative role model.

But Gray is dogged in his long-held belief that legalization is the only way to solve what he says is an increasingly unsuccessful war on drugs. He lectures at least once a month on his views, this week to a county bar association, next month to a group of Alaskan Libertarians. In the latest chapter of the conservative judge's uphill struggle, Gray has become a **Libertarian** and announced Wednesday that he is running for the U.S. Senate.

"Every single vote I get will legitimately be seen in favor of repealing drug prohibition," said Gray, 58, the day before announcing his candidacy at the Old Orange County Courthouse in Santa Ana.

"The other side is going to want to get my votes, and to do that they'll have to change their drug policy. If that happens, I'll have won."

Gray is hoping to get 15% of the vote, a longshot for a third-party candidate. His campaign slogan targets the apprehension that mainstream voters might feel: "This time, it matters."

A lifelong Republican, Gray said he switched this year because the Libertarian message of greater individual freedoms better aligns with his own.

Libertarians in California are looking to Gray's candidacy to bring legitimacy and an improved turnout for the party, which traditionally draws between 1% and 2% of the vote in U.S. Senate races.

"He brings with him the gravitas of his position," said Mark Selzer, southern vice chairman for the California Libertarian Party. "He's going to take our party to the next level in terms of the respect people have for us."

One of Gray's longtime friends, Costa Mesa Police Chief John D. Hensley, disagrees with the judge's views but still came to Wednesday's campaign opening to lend moral support.

"He's a good man and an ethical judge, and I wish him all the best in his campaign," Hensley said. "Still, since his thinking is well outside the mainstream, he's going to have some difficulties."

Gray's views have long made him the object of accusations of bias. A decade ago, his appeal for the legalization of drugs drove now-retired Orange County Sheriff Brad Gates to lash out to reporters: "What was this guy smoking? It's crazy. What kind of role model is he?"

Gray, who has taken a leave of absence from his legal duties until the campaign concludes, concedes that his stance might seem a poor message for children. But he maintains the

drug problem has grown too vast to be managed by imposing morals on young people who see the rules as hypocritical.

"People of my generation used marijuana," Gray said, "and now we're putting our children in jail for using it. There's no way we can punish ourselves out of this problem."

Legalizing and taxing marijuana could net California as much as \$3 billion, Gray contends, including the \$1 billion the state spends each year churning low-level offenders through the legal system.

"If we were to put those people in treatment programs and jobs," he said, "we'd be a lot safer."

In the years he has been waging his own war on the war on drugs, Gray said he has learned that when battling the conventional, you can't be in a hurry, and you can't get discouraged.

A few dents at a time, he said. That's how it's done.

(Left) *Los Angeles Times*, Los Angeles, California -- November 20, 2003

(Below) *The Atlanta Journal-Constitution*, Atlanta, Georgia -- December 3, 2003

## Ethics activist runs in Georgia

By Jim Tharpe

A former Rome, Ga., bookstore owner known for filing ethics complaints against state officials has announced his intentions to run as a **Libertarian** for the U.S. Senate seat being vacated by Democrat Zell Miller.

George Anderson, 50, said he joined the Libertarian Party a month ago and will seek the party's nomination at its Feb. 28 convention in Douglasville.

"After years of trying to monitor public officials, I'm going to campaign and try to get elected and make a difference," Anderson said today. "I'm very upset with both major political parties. I see special interests as the main interests to both parties."

Anderson, who lists his job as ethics activist, said he expects at least one other Libertarian to seek the nomination for the 2004 Senate race.

No Libertarian ever has been elected to statewide office in Georgia, and Anderson said he knows he faces an uphill battle in a Senate race already populated by two sitting Republican congressmen.

But he also said he believes that his candidacy will give voters a chance to break with the political past.

"You have got to try, even though you may not have a chance in the world," Anderson said.

# Opposition to Patriot Act swells in Nevada

By Ken Ritter

Rebecca Foster couldn't believe it when a bank cited the USA Patriot Act and asked her and fellow homeowners association board members for their Social Security and driver's license numbers and dates of birth.

"They said they had to check us against a terrorist list," said Foster, a grandmother who heads a five-member board that oversees a Las Vegas community. "That seemed kind of preposterous. None of us are terrorists."

A week earlier, the FBI in Las Vegas acknowledged agents used Patriot Act authorization instead of the grand jury to investigate a striptease club owner and several elected officials.

The American Civil Liberties Union of Nevada calls both uses excessive and warns that Congress in its haste to give the Bush administration tools to fight terror after the Sept. 11, 2001, attacks handed over cherished American rights.

Calls for repeal of the act have found fertile ground in Nevada - an old cowboy state where state vs. federal issues are still fought on riverbeds, at nuclear sites and in the courts.

A broad spectrum including liberals, conservatives, **Libertarians**, gay and Hispanic activists rallied in three corners of the state this week, calling for Nevada to join Alaska, Hawaii and Vermont and 210 U.S. communities that have passed resolutions urging curbs on the Patriot Act.

"The fact that this issue crosses the political spectrum really lends credibility to the concern," said Janine Hansen of Sparks, president of the conservative Nevada Eagle Forum.

A Justice Department official denied the Patriot Act infringes on Constitutional rights and called the act necessary to fight terrorism.

"It protects the lives and liberties of Americans, rather than detracting from them," said spokeswoman Monica Goodling from Washington, D.C. "It is simply an update of the laws that was needed to help close gaping loopholes in our ability to fight modern-day terror."

Officially called the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act*, it granted the government broad powers for searches, wiretaps and electronic eavesdropping. Authorities can search people's homes and delay notifying them and track multiple phones with "roving wiretaps."

"The act was intended to be used against terrorists, and we're using it against American citizens without constitutional protections," said Lana Noland of Elko.

A former Libertarian Party chairwoman, Noland has been active in a long-running dispute with the U.S. Forest Service over jurisdiction of a remote gravel road running along the Jarbidge River. On Thursday, she joined one of three Nevada rallies against the Patriot Act.

"Do you really want somebody looking through your financial records so you can serve on a homeowners association board?" she asked. "I don't think so."

The Justice Department's Goodling said law enforcers have a responsibility to use laws that Congress provides to fight crime.

"Americans expect us to use every legal tool available to do our jobs in enforcing the law," she said.

But in recent weeks, two members of Nevada's five-person congressional delegation expressed concern that the government might be going too far.

Gary Peck, executive director of the ACLU in Las Vegas, called the act "a seamless web of arcane provisions that fit together in ways that are still unclear to many of us."

"Last week, we found out how they could easily dig deeply into all of your private financial records without any meaningful checks, and without you knowing it," he said. "We're just now beginning to grasp how far-reaching the Patriot Act's tentacles are, and how profound its implications are for ordinary people who have nothing to do with terrorism."

(Left) *Las Vegas Sun*, Las Vegas, Nevada  
-- November 14, 2003

(Below) *The Oregonian*, Salem, Oregon  
-- December 2, 2003

## Libertarians target GOP over tax

By Dave Hogan

Sixteen Republican legislators who voted this year for an \$800 million tax increase should resign if voters reject the increase, **Libertarian Party** of Oregon officials declared Monday.

If those Republicans don't resign, Libertarian candidates will run against them next year in an effort to pull fiscally conservative votes away and prevent the Republicans from winning, said Libertarian Chairman Tom Cox and other party officials. The Legislature approved the tax increase in August to balance the state budget. The move cleared the way for ending the longest legislative session in state history.

Most of the lawmakers voting for the tax increase were Democrats, but Cox said Republicans, as members of a party that supports fiscally conservative policies, are the ones who should know better than to vote for a tax increase.

They also called for House Speaker Karen Minnis, R-Wood Village, to resign immediately, saying she engineered the tax package's passage even though Republicans held the majority of the House's 60 seats.

Minnis voted against the tax package. Election officials are counting signatures submitted last week in an effort to let voters reconsider the tax increase on a Feb. 3 ballot.