

LIBERTY PLEDGE

NEWSLETTER

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November 2016

'Your tears are delicious and your parties will die,' says Libertarian Party chair Nicholas Sarwark

by Brandon Morse

Excerpted from *TheBlaze*

Published on November 9, 2016

It was pretty much guaranteed that the Libertarian Party was not going to win the White House on Tuesday. Flagging enthusiasm for the party's nominee, Gary Johnson, and the typical loss of support for third parties that happens when election time comes closer sealed the Libertarian's fate.

Despite this, Libertarian Party Chairman Nicholas Sarwark does not seem at all bothered. In fact, the election has left him rather encouraged.

Sitting down with *Reason*, Sarwark laughed as he responded to a video clip of his speech to the [Johnson campaign election-night] crowd as information rolled in that Republican Donald Trump was going to win, over Democrat Hillary Clinton.

"There's going to be a lot of old-party politicians whining and crying tomorrow, about all the votes they should have had," said Sarwark mockingly to the crowd. "Well, you know what I say to that? Your tears are delicious and your parties will die."

The Libertarian Party chair later explained why he came

to that conclusion, during his interview with *Reason*.

"The Libertarian vote — which was a record — it was over four million votes for Governor Gary Johnson," said Sarwark. "To put [it] in perspective, [that's] about the same number of votes that were cast in the state of Virginia. A state that carries 13 electoral votes. That's the size of the Libertarian bloc."

"We are the only political party in the country that's growing," he said later. "I think that's still the case after last night's results. I haven't seen the voter registration numbers, but looking at the vote totals for the popular vote, voter turnout was actually down in this election...and our numbers tripled."

In terms of being blamed for Hillary's loss by Democrats, Sarwark had a message for them. "Stop wasting your breath. Start working on your own party. Start working on your own issues," he said. "And see whether you can take my votes in the actual arena of ideas instead of trying to shame me."

The Libertarians' goal of reaching five percent of the vote, sadly, did not happen. Achieving that number would have allowed America's leading [alternative] party to attain federal campaign funding in 2020. •

If Johnson gets 5 percent, would the Libertarian Party take FEC money? It may be a focus of debate among delegates in 2018.

by Scott Shackford

Excerpted from *Reason*

Published on October 11, 2016

If current polling numbers hold, the Libertarian Party could surpass an important vote share threshold, come November.

If Gary Johnson and Bill Weld receive at least five percent of the popular vote, they'll be officially classified as a "minor party" by the Federal Election Commission (FEC). If that happens, the Libertarian Party's candidate in 2020 would qualify for public matching funds based on how much of the vote they receive.

At RealClearPolitics, Bill Scher takes note of the possibilities:

If Johnson snags 5 percent of the na-

tional popular vote, the Federal Election Commission will classify the Libertarians as an official "minor party," granting the 2020 nominee a lump sum of cash for the fall campaign, courtesy of the American taxpayer. (And don't you think for a second that the vehemently anti-big-government Libertarians won't cash that big government check in a heartbeat.)

The exact amount of federal funds depends on the size of his vote, but Green Party officials—who have been chasing 5 percent for years—estimate that meeting the threshold would yield about \$10 million. That may seem like

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Libertarian Gov. Gary Johnson for president, 2016

Would the LP take FEC money?

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chump change compared to the hundreds of millions of dollars major party presidential nominees routinely raise. But Johnson has gotten this far after raising only \$8 million through August. The prospect of knowing the Libertarian Party's nominee is guaranteed \$10 million will allow him or her to hit the campaign trail running, improving the odds of getting into the debates, winning an even larger share of [the] vote, and fortifying the party's place in the American political landscape.

Isn't it a little bit odd for Scher to assert what the Libertarian Party would do in a snarky parenthetical aside, rather than simply contacting them to ask? Scher's hardly an objective observer of the election from his home at LiberalOasis.com. That's certainly no sin (read about my own lack of objectivity [in "Who Will Get Our Votes?" by Katherine Mangu-Ward; *Reason*, Nov. 2016]), but it took me no time at all to contact the Libertarian Party and talk to party chair Nicholas Sarwark.

The reality is, according to Sarwark, members of the Libertarian Party are not in agreement over whether to take the money, and it will have to be something hammered out if Johnson actually reaches the threshold. (Keep in mind this FEC fund Scher describes is made entirely from voluntary [allocations] from taxpayers. The FEC notes in its guidelines, "Money for public funding of presidential elections can come only from the Presidential Fund. If the Presidential Fund runs short of funds, no other general Treasury funds may be used.")

"We would be delighted to have that conversation," Sarwark told *Reason*. "Right now we're just entirely focused on the election and having Johnson do as well as possible."

In the event Johnson reaches the FEC vote threshold, Sarwark believes the most likely outcome will be that delegates to the Libertarian Party's 2018 national convention would need to hammer out a possible bylaw about whether a potential candidate should be permitted to accept the money. As a legal matter, Sarwark notes, it's the candidate who decides whether to take the money, not the party. So the bylaw would serve the purpose of attempting to bind a future candidate to the party's attitude toward whether to accept the grant.

Another potential concern is that accepting the grant actually imposes a limit on fundraising by the candidate as part of matching these funds.... There's a reason the Democrats and the Republicans don't avail themselves of this money anymore.

Another potential concern is that accepting the grant actually imposes a limit on fundraising by the candidate as part of matching these funds. While it might, at the moment, appear to be a boon for whoever comes after Johnson (it certainly was for Pat Buchanan following after Ross Perot with the Reform Party), if this Republican Party crack-up continues and more people see the Libertarian Party as an alternative, it actually might not be in the party's interest to tie themselves down this way. There's a reason the Democrats and the Republicans don't

New and renewing Liberty Pledgers

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avail themselves of this money anymore. Neither party has accepted any grants for the general election as yet, and the only primary candidate to accept matching funds was Martin O'Malley.

Voluntary [allocation of funding for] the program has also plunged, according to the FEC, dropping from nearly 30 percent of [tax] returns in 1980, to a little over 5 percent of returns in 2015. That's an interesting lesson right there for folks who want to demand public funding for elections. These folks aren't putting their money where their mouths are. •

Jury delivers devastating blow to U.S. DOJ: ‘Malheur 7’ not guilty!

by **Roger I. Roots, J.D., Ph.D.**
Excerpted from *LawRockwell.com*
Published on **October 28, 2016**

Attorney Roger I. Roots was the 2016 and 2012 Libertarian candidate for Montana Secretary of State, also running for U.S. Senate there in 2014. Author of The Conviction Factory: The Collapse of America’s Criminal Courts, he led a seminar on fully informed juries at the LP’s 2016 national convention.

Just days ago, I reported on the federal trial of the “Malheur 7” (Ammon Bundy, Ryan Bundy, Shawna Cox, Jeff Banta, David Fry, Neil Wampler and Ken Medenbach). I was privileged to have a front-row seat at the trial as a volunteer paralegal and legal researcher for Ryan Bundy, who represented himself.

Almost everyone who followed the “Oregon Bundy case” predicted convictions all around. A dozen co-defendants pled guilty before the trial began. Virtually every attorney I spoke with expressed the sentiment that defending the accused was a lost cause. Coverage of the case in Oregon’s largest circulating newspapers presented the case wholly from a prosecution perspective. My inbox contains more than one e-mail urging me to abandon my efforts to help the defense.

As I sat at the table between Ryan and the Ammon Bundy team throughout the six-week trial I was able to discern that evidence at the trial was diverging sharply from the prevailing narrative outside the courthouse. The defendants were accused of conspiring to prevent employees of the U.S. Fish & Wildlife Service and Bureau of Land Management from performing their duties at the Malheur National Wildlife Refuge in rural eastern Oregon. Yet federal prosecutors failed to produce a single piece of evidence of any specific

threat aimed at a USFWS or BLM employee.

The U.S. Justice Department alleged in Count 1 that the seven defendants (and many others) had engaged in an “armed standoff” at the federal wildlife refuge with the intent of scaring away the various government employees who normally work there. Every defendant was utterly innocent of the allegation. Some were not even aware that federal employees normally worked there). Several defendants were also charged with firearm possession in federal facilities with the intent to commit a federal felony (the conspiracy alleged in Count 1). And two defendants, Ryan Bundy and Ken Medenbach, were accused of stealing federal property valued over a thousand dollars.

Bundy and the other defendants took a monumental...stand for the plain text of the Constitution....

In fact, Ammon Bundy and the other defendants took a monumental (and quite daring) stand for the plain text of the Constitution when they occupied the Malheur Refuge in January of this year. They pointed to Article I, Section 8, Clause 17 of the U.S. Constitution which seems to plainly forbid the federal government from owning land inside the states unless the states agree to sell such real estate to the federal government.

Needless to say, the present reality in the American west is in sharp contrast to this piece of constitutional text. The feds claim to own and control millions of acres of land in western

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Hang Your Heads Low, Media People

by Doug Spero

Excerpted from the *Huffington Post* Blog

Published on Oct. 12, 2016

Here we are, just a few days away from the election that has dictated media coverage for the last year. We have seen the two leading candidates log the highest unfavorable ratings among registered voters in recent memory. Between Donald Trump's rude and crude remarks regarding just about everything and Hillary Clinton's e-mail problems and other alleged sins, the American public deserves better. How do we get that, you ask? Very simple: let third-party candidates step up.

The only problem is that third-party candidates need media coverage because they don't have the big slush funds that the traditional candidates have. It is well known that Trump has had a virtual free ride in the media since he announced his candidacy for president. It has been a feeding frenzy of media attempting to land him for interviews every day.

I have been air-checking the mainstream network news products every night. Likewise for the cable news channels and print media. Where is the coverage for the other candidates? I sit and wait and wait for coverage that never arrives. Except for Libertarian candidate Gary Johnson suffering from "foot in mouth disease" on two occasions, his candidacy has gone unnoticed. You can also forget Green Party candidate Jill Stein. She also has received little or no coverage. Despite that, they have been pulling some very

respectable numbers. Could they win? Probably not, but if there was ever a time to showcase other campaigns this is it.

Both Johnson and Bill Weld (running as Johnson's V.P.) are former governors with strong political backgrounds. Don't the American voters deserve to hear from them?

Both Johnson and Bill Weld...are former governors with strong political backgrounds. Don't the American voters deserve to hear from them?

As a broadcast journalist for almost 30 years, I can remember a time when we made an effort to cover all sides with, at least, proportional coverage. Yes, there is a problem of time and space, and you can't cover every small, fragmented party, but you can cover the formidable ones.

I am embarrassed to call myself a former journalist but I am more embarrassed for those in the business now who continue to forget their public duty. I guess covering third-party candidates isn't good for ratings or the bottom line. Walker Cronkite would be rolling over in his grave.

It is the public duty of journalists to cover political events accurately and make sure a variety of perspectives are heard. If the media ceases to do its job of informing the public, our democracy will fall apart. •

Jury's blow to U.S. Justice Dept.

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states—most of which (such as the Malheur Refuge area) was never purchased from state legislatures or anyone else.

The most frightening revelations from the Malheur 7 trial involved the lengths which the U.S. government went to in its prosecution. During the Bundy occupation, the FBI literally took over the tiny nearby town of Burns, Oregon and transformed it into an Orwellian dystopia. There were license plate scanners mounted on utility poles, drones throughout the skies, and military transport vehicles speeding across the countryside. FBI agents captured and monitored every phone number connected between every accused occupier. Federal and state police appeared in such numbers that their total numbers will probably never be fully tallied.

The occupation was met with a bonanza of government spending by agencies at every level. The U.S. Fish & Wildlife and BLM employees who were supposedly too frightened to go to work were put up in luxury hotels, with their families. (In the aftermath, the feds have spent further millions to "rebuild" the Refuge, supposedly because the occupiers tainted it; prosecutors were openly planning on asserting the inflated "bill for damages" at sentencing in the event the defendants were convicted.)

Most startling of all were the undercover government informants that were revealed in the trial. After weeks of wrangling and arguing with defense lawyers, the Justice Department finally stipulated that at least nine undercover informants were planted among the Refuge occupiers. Thus, informants outnumbered the defendants on trial. One informant was even a "bodyguard" for Ammon Bundy and drove him to his arrest. Another informant admitted he trained occupiers in shooting and combat skills.

After a week of deliberating over the evidence, the jury came back with its verdict, acquitting every defendant. (Jurors said they were divided regarding an accusation that Ryan Bundy aided and abetted the theft of government property when he and others took down two government surveillance cameras.)

Twelve Americans saw through the government's cloud of disinformation and dealt a mighty blow for liberty.

There are reports that the U.S. Justice Dept. spent \$100 million on the case. But twelve Americans saw through the government's cloud of disinformation and dealt a mighty blow for liberty. •