

A Publication of the  
Colorado Libertarian Party



## Atlas is Shrugging

by Chuck Bilbe

Jeffrey Lingle is going on strike. A Northglenn osteopath in family practice in Colorado for 13 years, he is so frustrated with "the system" that he isn't going to take it anymore.

"I'm frustrated. I wonder why, with all the money I make, I should be rich, but I'm not. Patients tell me the same thing: after all the bills are paid, there's nothing left." Lingle, 44, cited 28% federal tax, 5% state tax, 3.5% use tax, 7.7% sales tax, 1.5% property tax, and others too numerous to mention, which left him with less than 40% of his income after all was said and done. What finally pushed him over the edge, he said, was the Clinton health plan.

"When I take care of needy people, every penny's worth of the care I give them comes out of after-tax money. I've given away about \$7,500 in free care to the indigent in the first six months of this year, but according to Bill Clinton, I'm greedy and hard-hearted. I've never had trouble getting specialists to take care of my needy patients." According to Lingle, the government has painted a picture of greedy doctors who drive up the costs of medicine by overcharging and doing work that doesn't need to be done. In fact, says Lingle, it is the government that has caused the problem by forcing

practitioners to shift unreimbursed Medicare costs over to paying customers. It is government that has made it uneconomical to treat needy patients as a charity gesture, and it is government that has made it impossible to bill Medicare patients for the full cost of their treatment.

"Look at the names of hospitals: St. Luke's, Lutheran, Methodist, ... the list goes on and on. *These* are the people that know about charity and taking care of the needy. Hospitals were built by churches and other organizations. All the government ever did was to mess things up."

***"All the government ever did was to mess things up."***

He said, in an interview for the CLiPboard, that he is closing his office permanently. For the time being, he has doctors who have agreed to fill in for him in case of emergencies. He is considering several offers for the sale of his practice, and says he will go back into business only when the government drops its regulations that have made his life so miserable. Dr. Lingle has agreed to write a future article for the CLiPboard, so stay tuned to these pages.

## Upcoming Events

### November

- 2 Denver LP (1st Tue.), Village Inn, 890 S. Colorado, 7 p.m.
- 2 Ft. Collins: 1st Tue. Breakfast Club, Wally's, Oak Street Plaza, 7 a.m. Call (303) 484-8184 for information.
- 9 Ft. Collins: 2nd Tue. Discussion Group, 7 p.m. at Mary Margaret Glennie's, 1317 Lakewood Dr. Call (303) 484-8184 for information.
- 9 Western CO Libertarians (2nd Tue.), Mesa State College Student Center, 7 p.m. Call Dann Hayes 434-5113 for details.
- 10 Boulder LP (2nd Wed.), Old Train Depot, 30th & Pearl, 7 p.m.
- 15 Ft. Collins: 3rd Mon. Social (FREEDOM NOW), 7 p.m. at Mary Margaret Glennie's, 1317 Lakewood Dr. Call (303) 484-8184 for information.
- 16 Aurora Libertarians (3rd Tue.), Archie Malone's, Iliff & Buckley, 7 p.m.
- 17 Jefferson County LP (3rd Wed.), Lakewood Library, 10200 W. 20th, 7 p.m. Speaker: David Kopel - Gun Control Laws
- 20 Denver LP Gun Club, Call Dave Segal for details, (303) 296-4059

### December

- 7 Denver LP (1st Tue.), Village Inn, 890 S. Colorado, 7:00 p.m.
- 7 Ft. Collins: 1st Tue. Breakfast Club, Wally's, Oak Street Plaza, 7 a.m. Call (303) 484-8184 for information.
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## From the Editor

by Chuck Bilbe

It is with a mixture of sadness and joy that I announce that I will be leaving Colorado at the end of the month of October. My family and I are moving to the Ozarks – for a number of reasons. First, the personal ones: we have family in that part of the country. We like hot weather and rain. My wife loves gardening and has been frustrated ever since we moved here from Oregon. But there is more to it than that. I think it is time to get my family away from the city, to a place where we can own a few productive acres free and clear. I believe that we are all in for some economic hard times, and I know that if I own a productive property free and clear, my family and I stand a much better chance of weathering what I believe will be a depression at least as severe as that of 1929. I don't know when it will happen – maybe it never will – but I do know that once it does, it'll be too late to make such a decision.

So, the survival and well-being of my family are a concern. But there's another reason to make this move. I intend, once our family is reasonably self-sufficient, to simply slip into a self-imposed early retirement. I have added up the income taxes that have been taken from me since I entered the workplace twenty-one years ago: \$243,839.08 to date – not counting sales tax, gasoline tax, property tax, or any of the myriad of other taxes and hidden regulatory costs we all pay. This money – *my* money – has been taken from me in ever-increasing quantities, and it has been squandered. It has been used to destroy my freedom and yours as well. It has been used to indoctrinate my children with ideas I do not hold. It has been used to pay government bureaucrats to make decisions about my life that are nobody else's to make but mine.

I will break no laws. I will pay every penny of tax that is due. But I must and will stop feeding this monster. The only way I can legally do that is to – *stop earning money*. And that is what I propose to do. Thank you all for your understanding.



### CLiPboard

A publication of the  
**Colorado Libertarian Party**

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Subscription is included with party membership (members by voter registration only must notify the CLP headquarters). For non-members, subscriptions are \$6 per year. Make checks payable to and send all correspondence to:

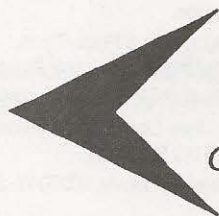
Colorado Libertarian Party  
720 E. 18th Avenue #309  
Denver, Colorado 80203

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## Affiliate News

### — Boulder —

The Boulder LP is focusing its efforts this month on fighting the tax and debt increases offered on November's ballot. Chuck Wright has formed a coalition called "Citizens for Accountable Schools" which has gotten significant publicity for its fight against the school district's latest plea for money. Chuck has spotlighted the mushrooming administrator-to-teacher ratio, outrageous administrator salaries, and declining test scores and graduation rates in his arguments against the bond issue. Vern Bickel, chairman of the Colorado Union of Taxpayers, has been campaigning against all the tax hike proposals in the county, which he says add up to more than \$33 million dollars a year.

Dick Sargent, candidate for the Republican nomination for governor, spoke at the BCLP's outreach meeting on Wednesday, October 13th. He indicated a general sympathy with libertarian ideas, including support for the second amendment and deregulation of small business. Sargent indicated interest in learning more about FIJA and drug legalization. He also expressed cautious interest in the idea that the constitution limits majority rule in order to protect individual rights, a concept he claimed not to have been exposed to before. He believes it is inappropriate for the courts to consider the constitutionality of citizen initiatives such as Colorado's Amendment 2, which would have banned laws protecting homosexuals and bisexuals from discrimination, but whose implementation has been delayed pending a court decision.

This month the BCLP reached a high-water mark of 61 members, well on the way to its goal of 100 members by the end of the year.

The BCLP meets on the second Wednesday of each month, at the Train Depot north of Crossroads Six theaters, on Pearl Street between 28th and 30th in Boulder. A business meeting begins at 5:00 p.m. and an outreach meeting begins at 7:00 p.m.

November's meeting will feature a documentary video about the Waco massacre. For more information contact the BCLP Chair, Kevin Wilkerson, at 443-1870.

### — Denver —

The Denver LP held elections at its Oct. 5 meeting. The new officers are Richard Combs (Chair) and David Bryant (Treasurer). Larry Hoffenburg was re-elected Secretary. Congratulations, and thanks to all of you for your time and effort.

State Representative Penn Pfiffner addressed the meeting, detailing the organizational and campaigning techniques that got him elected last year. He urged members who want to be politically effective to start by building resumes and getting involved in mainstream community activities.

Penn anticipates a tough re-election fight next year and would appreciate our support. For details, call David Aitken at 831-4334.

The Denver LP meets the first Tuesday of each month at the Village Inn, 890 S. Colorado Blvd. At the next meeting (Nov. 2, Election Day), National Commodities and Barter Association

president John Voss will update us about what the IRS is doing to him and his organization.

The Libertarian Gun Club will meet as usual at 11:00 a.m. on the third Saturday of the month (Nov. 20), this time at the Aurora Gun Club on, appropriately, Gun Club Road.

The Club provides information and training in firearms use, self-defense and safety; opportunities to practice marksmanship, and information about where good, reliable, firearms may be obtained for a relatively small quantity of Federal Reserve notes. For further information, call David Segal at (303) 296-4049.

Planning is now underway for the Denver LP's annual Bill of Rights rally, scheduled for Saturday, December 11, 1-3:30 p.m. on the west steps of the State Capitol. Anyone interested in participating or helping with rally organization and logistics, call David Segal at 296-4059.

### — El Paso County —

Southern Colorado Libertarians are on the move! Several members from El Paso and Fremont counties attended the national convention in Salt Lake City and came home recharged from the event. The energy and enthusiasm of the convention has infected them with the desire to meet the national party call to concentrate on membership and growth for 1996.

Members from Fremont, Pueblo, and El Paso counties have been discussing the formation of a planning committee, with the goal of increasing membership and organizing more political activism on the local level. We need volunteers who will help us develop a solid plan for the next year and beyond.

In conjunction with this effort, we have created a regional database from the State party records. The DB will allow us to more effectively track local members and others interested in the LP. It will be used to coordinate activities and generate mailings. Various members have initiated a call campaign to talk with all those listed in the database to validate the information contained in it. They are also gathering additional info on those interested in engaging in more activism and party work. It would help tremendously if any CLiPboard readers would call in on their own accord to help with validation as well as offers to help! We are also looking for contacts from Teller county.

Our main focus right now is assisting the TABOR committee and Doug Bruce in the petition drive for the Election Reform Amendment. This is a very important project and should be near and dear to every Libertarian. As of early October, Doug said the petition was running behind, and we only have until early November to turn it in. We will try our best!

To help get these various activities underway, please contact Jeff Wright (719-495-0665) or Phil Freytag (719-275-3115). We look forward to hearing from you.

**Help Wanted** – Due to the departure of Chuck Bilbe, the CLP is accepting candidates for Publications Director and Editor. Long hours, no pay, great prestige. Contact David Aitken, 831-4334, or write to the State LP HQ.

## Still More Affiliate News

### — Fremont County —

The Fremont County LP and the Jefferson Society, a libertarian think' tank and political action committee, have succeeded in getting a proposed amendment to the Canon City charter on the ballot for November 2. The amendment, if approved by the voters, will repeal the sales tax charged on food sales. The repeal will be phased in over a two year period. The tax is now 2% on all food sales. Denver, Colorado Springs and many other cities do not charge a tax on food.

The amount of tax collected on food is estimated by Canon City government to be \$500,000 per year, almost 1/4 of all sales taxes collected by the city. Sales tax collections from all sources in Canon City are growing at a rate of 11.5% per year, or almost \$240,000. If the tax on food is not repealed, the city will have to get voter approval next year to keep the increased sales tax revenue. Nevertheless, the city administration is complaining that repeal of the food tax will devastate the city budget.

Proponents of the food tax repeal maintain that the lost revenue will hardly be felt, and that the city budget can easily be reduced without giving up any important service.

Getting a city charter amendment on the ballot requires the signatures of at least 5% of registered voters. In the case of Canon City, this came to 374. Taking no chances, the petitioners turned in 750 signatures.

Fremont County Libertarians are also opposing other tax increases, including a bond proposal for a \$7,000,000 County Convention-Office complex. They have been attending forums to debate the issues, and are writing editorials and letters to the editors of local newspapers. About 10 petition carriers are gathering signatures for Douglas Bruce's Election Reform Amendment. The Fremont County Contractors Association has contributed \$500 to the Jefferson Society for advertising against the Fremont Center bond proposal, and several individuals have made smaller contributions.

### — Aurora —

Aurora Libertarians meet the third Tuesday of every month at Archie Malone's Restaurant, Iliff & Buckley, at 7 p.m. At the Nov. 16 meeting, the group will attempt to replace the nearly irreplaceable Chuck Bilbe, departing chair. Call Larry Hoffenberg at 755-4843 for more information.

### — Jefferson County —

JeffCo Libertarians have been growing since early spring. Our monthly speaker series titled "Freedom and Government" covers wide-ranging topics designed to interest those who are not necessarily libertarians.

The JeffCo LP welcomes one and all. Speakers are the third Wednesday of each month at 7:00 p.m. at the Lakewood Library, 10200 W. 20th. Please call Brandt Swanke, 424-9687 or Sandra Johnson, 973-0594, for more information.

## Taking the Pink Out of Being Green

by Richard G. Combs

As Terry Donze's article (see page 5) points out, everyone would like to live in the cleanest *possible* environment. The first problem is, what's *possible* depends on who's paying for it. The second problem is, some people think that one makes things *possible* by legislating them.

Donze argues for reasonable approaches to pollution problems, realizing that technological progress, economic progress, and prosperity are what make it possible for us to address our environmental concerns.

Those, like Watson and Foreman, who see humans as a virus or a cancer have some other purpose in mind besides solving environmental problems. They are anti-human and anti-reason. At best, they want to return us to a pre-industrial-revolution level of existence, wiping out 90% of the human population in the process. At worst, they want to wipe out humanity completely. One can only wish they'd begin with themselves.

The self-loathing Luddites are a minority of the green movement, however. By far the majority of the movement's leaders see environmental problems as a wonderful excuse for further expansion of state power, destruction of property rights, and strict regulation of all private economic activity — in other words, they are socialists.

Unlike these statist in disguise, however, most people who care about the environment have no ulterior motive and just

want to do right by the world in which they live. Some of them are even leaders of environmental groups like EDF, who have actually opened their eyes and learned some economics. Perhaps their education was aided by the realization that the most polluted places on earth are former Worker's Paradises, where the state owned everything and all decisions were political.

Educating the educable environmentalist has been the work of a small, but rapidly growing, free market environmentalism movement. These people begin by making a strong case for what seems to me so obvious, but is truly novel to many: if something is scarce and valuable, it is best protected by an owner whose self-interest is served by preserving it. Using the tools of economic analysis, public policy analysis, and common sense, they tackle the whole range of environmental public policy issues, demonstrating in case after case that government has not served the environment well (Surprise! Surprise!), and that market-based solutions can do better.

If you're interested in this issue, the following books are good places to start:

- *Free Market Environmentalism*, Anderson & Leal
- *Yellowstone Primer*, Baden & Leal
- *Economics and the Environment: A Reconciliation*, Walter Block
- *Visions Upon the Land*, Karl Hess, Jr.

*Rocky Times in Rocky Mountain National Park: An Unnatural History*, Hess' new book, should be particularly interesting to Coloradans. See the article in the 10/20 issue of *Westword*.

## No Compromise?

by Terry W. Donze

David Brower is not a household name. David Brower grew up in California in the late 1920s enjoying an oddity at the time — backpacking and mountaineering in the Sierra Nevadas. It is said he wanted to escape the teasing of his classmates about his missing row of teeth and about his extreme shyness. Years later, he sought the seclusion of the Colorado River Basin and, being an expert rock climber, pioneered the route up Shiprock. David Brower's heart was in the west's desert rivers. His favorite spot was Echo Park, near the confluence of the Green and Yampa Rivers. In the 1950s, he learned of plans to build a large dam at Echo Park. He fought hard, along with other conservationists, to stop it. Eventually, funds were denied for the Echo Park dam, but only because his constituency agreed to a compromise, allowing Glen Canyon Dam to be built on the Colorado River. When Lake Powell was filling, David Brower became so distraught about the compromise that his friends were concerned he might shoot himself. Afterwards, he vowed never again to compromise on his environmental stands. David Brower was the first paid executive director of the Sierra Club.

We see that "No Compromise" attitude pervasive among environmentalists today, so pervasive that many of their acts seem silly, if not downright criminally dangerous. Members of Earth First! were jailed for attempting to destroy power lines to a nuclear plant in Arizona. Tree spiking has become a popular way to protest logging. There is even a published book on "monkeywrenching."

Nobody wants dirty water or air. We'd all prefer pristine terrain from sea to shining sea. It's not surprising that politicians' ears bend favorably toward environmentalists. Unfortunately, many of their actions are extremely capricious, giving little thought to science or costs. Vice President Gore even advocated abolishing automobiles. Imagine the pollution problems in our major cities if everyone rode a horse!

Environmentalism definitely is not going to vanish. Despite our crushing national debt, in the last 10 years employment at the EPA exploded 30%. Its budget zoomed 31% in the past 4 years. We have over 100,000 rules covering environmental protection at federal and state levels. Another 25,000 are proposed. The cost of just tracking the legislation is onerous, let alone the cost of compliance. Mobil Oil devotes 600 on-staff employees and \$980 million a year strictly to environmental compliance.

Yet, the environmental community continues to promote every radical theory, regardless of contrary evidence. They ignore scientific study and demand the most stringent controls, regardless of cost. Their words deify the environment rather than protect it. Paul Watson, founder of Greenpeace, calls man "a viral epidemic to the earth." David Foreman, founder of Earth First!, says man is "a cancer on nature." Their ultimate goal seems to be to halt economic activity altogether, mirroring David Brower's attitude of "No Compromise." Will such people allow extractive industries to exist at all in this country?

Some environmental groups are realizing that it's time to change their goal from environmental protection at all costs to

one of balancing preservation with personal freedom and economic growth. The Environmental Defense Fund—started in 1967 with the motto "Sue the Bastards!"—has begun working with various industries to solve environmental problems in economically sound ways. Some are starting to consider economic value in their actions by spending some of their own money to realize their goals.

Others just don't get it. The Wilderness Society, National Wildlife Federation, Natural Resources Defense Council, and others have called for \$1.2 billion in increased *public* spending this year alone to buy more land for wilderness areas. Sierra Club president Michael McCloskey says that EDF's approach to market-based solutions "really strikes me as peculiar." The Sierra Club celebrated its centennial last year. It has been a leader in many environmental causes, if not *the* leader in the environmental industry. Their mailings specifically list three accomplishments since its founding to show they run "an effective organization." All three deal with regulation.

The Sierra Club openly admitted it used the spotted owl to stop tree cutting. Today the U.S. has 23% more timber than in David Brower's youth. Wood growth is 300% higher and increasing yearly. The spotted owl ruling meant economic disaster for 30,000 families who lost employment while 12 million acres were set aside for the owls, a cost of \$660,000 per owl. Average construction costs jumped \$6,000 per home. Yet the Sierra Club hasn't paid a dime to compensate the 30,000 unemployed for their lost income, or to compensate the victims of recent natural disasters for their higher rebuilding costs.

Internal resources create our country's wealth. Because of our technological advancements and our vast natural resources, we can afford to view nature as a victim rather than as a foe. The United States is the *least* polluted country in the world because of our wealth and ingenuity. Only through technical and economic growth will we continue to solve and pay for today's environmental concerns.

Before supporting organizations dedicated to preserving the environment, ask them a few questions: Other than increasing rules and regulation, expanding government control over our business and personal lives, how do they foster conservation and environmental protection? Is any capital and effort devoted to voluntary cleanup of already polluted areas? Without technical and economic growth, how do they propose we solve problems they see in using the earth's resources? Are they willing to work with various industry groups to find economically-viable solutions to these problems? Are they willing to place economic value on their own actions by putting up their own money for their projects? Are they grateful for the \$1.4 trillion dollars private industry has already spent in the last 21 years on environmental programs? Are they willing to compromise on issues when confronted with the enormous costs of their positions and with scientific evidence contradicting their claims? Do they have any reason to or any interest in compromise, or are they just interested in regulating vital American industries to the point of having them abandon our country entirely?

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Terry Donze is an independent oil and gas consultant in Wheat Ridge, Colorado, and President of the Denver Geophysical Society.

## In Defense of Vigilantism

by David Segal

Appearing on ABC Television's "This Week with David Brinkley" in August, Denver Police Chief David Michaud worried that public anger over gang violence will lead to vigilantism.

"An alarming thing for us to deal with is (that) in some communities there's almost a vigilante movement on the part of citizens who want to do their own patrolling, almost become their own police department," Michaud said.

By publicly expressing alarm over a growing "vigilante movement" Michaud exploited a familiar Hollywood stereotype of bloodthirsty, anonymous lynch mobs to discourage Denverites from taking reasonable and lawful measures to provide for their own safety. Like many Hollywood stereotypes, however, the Hollywood "vigilante" is simply not accurate.

My 1949 Websters defines vigilante as "A member of a vigilance committee," and it defines vigilance committee as "A volunteer committee of citizens for the oversight and protection of any interest, esp. one organized to suppress and punish crime summarily, as when the processes of law appear inadequate." The shameful reality Michaud is trying to bury under a Hollywood stereotype is that in Denver in 1993, the processes of law are inadequate to suppress or punish crime, just as they were in San Francisco in 1851, when the first Vigilance Committee was formed.

Herbert Asbury's classic, "The Barbary Coast, An Informal History of the San Francisco Underworld," describes 1851 San Francisco as "the nearest approach to criminal anarchy that an American city has yet experienced" (Writing in 1933, Asbury couldn't know what gun control, modern jurisprudence and modern law enforcement would do to our cities.)

The "Annals of San Francisco" give a vivid contemporary account of prevailing conditions in 1851:

***There was even a vicious street gang, called the Sydney Ducks.***

"The most daring burglaries were committed, and houses and persons rifled of their valuables. Where resistance was made, the bowie-knife or the revolver settled matters and left the robber unmolested. Midnight assaults, ending in murder, were common. ... No decent man was in safety to walk the streets after dark; while at all hours, both of night and day his property was jeopardized by burglary.

"All this while, the law, whose supposed 'majesty' is so awful in other countries, was here only a matter for ridicule... Bail was readily accepted in the most serious cases... The prisons likewise were small and insecure; and though filled to overflowing, could no longer contain the crowds of apprehended offenders. When these were ultimately brought to trial, seldom could a conviction be obtained... Not one criminal had yet been executed... It was evident that the offenders laughed at the puny efforts of the authorities to control them. The tedious processes of legal tribunals had no terrors for them."

"The most daring burglaries were committed, and houses and persons rifled of their valuables. Where resistance was made, the bowie-knife or the revolver settled matters and left the robber unmolested. Midnight assaults, ending in murder, were

Sound familiar? Well, it ought to.

There was even a vicious street gang, called the Sydney Ducks, dominated by Australian ex-convicts. The only major difference was that San Francisco's City Council didn't try to disarm its law-abiding citizens.

The events that led to the formation of the first Vigilance Committee began on February 19, 1851, when two men entered Jansen, Bond & Company, beat one of the owners, J.C. Jansen, unconscious, and made off with \$2,000 in gold (now worth over \$60,000 in Federal Reserve notes).

One of the assailants was recognized as James Stuart, a.k.a. English Jim, a notorious Sydney Duck wanted for numerous crimes, including the murder of Sheriff Moore of Marysville, California, and the theft of \$4,000 from Moore's home.

***Both had a scar over the left eye, a slit in the left ear, and the left forefinger cut off at the first knuckle.***

The next day, San Francisco police arrested Thomas Berdue, who was identified by Jansen as his assailant and as "English Jim" by six men who knew Stuart personally. Berdue's protestations of mistaken identity were futile. Not only did Berdue and the real English Jim have the same features, eye and hair color, and weight; but both also had a scar over the left eye, a slit in the left ear, and the left forefinger cut off at the first knuckle.

No one doubted Berdue's guilt, but hardly anyone believed he'd really be punished, so a crowd quickly assembled in front of the jail and demanded an immediate hanging.

Because of public pressure, Berdue was actually tried by a regular court, found guilty of assaulting and robbing Jansen, and sentenced to 14 years in prison. He was then sent to Marysville, where he was again identified as English Jim, tried by another court, and sentenced to hang for the murder of Sheriff Moore. Fortunately for Berdue, the execution was postponed for several months.

Unfortunately, the Sydney Ducks also believed that Berdue was English Jim, and took revenge on the people of San Francisco for their role in his conviction. On the night of May 4, 1851, the Ducks began a two-day orgy of burning and looting that left the city in ruins while the authorities did nothing.

Two hundred prominent citizens responded by forming the first Vigilance Committee in June 1851. This extract from its constitution summarizes its aims:

"The citizens, whose names are hereunto attached, do unite themselves into an association for the maintenance of the peace and good order of society ... and do bind themselves ... to do and perform every lawful act for the maintenance of law and order, and to sustain the laws when faithfully and properly administered; but we are determined that no thief, burglar, incendiary or assassin shall escape punishment, either by the quibbles of the law, the insecurity of prisons, the carelessness or

corruption of police, or a laxity of those who pretend to administer justice."

The Vigilantes achieved their aims in less than three months after hanging only four people.

The first was an Australian convict named John Jenkins, a.k.a. the Miscreant, who was wanted for numerous crimes, including several murders, and was caught by the Vigilantes in the act of stealing a safe. After a fair trial lasting several hours, he was sentenced to death. When police demanded custody, the Vigilantes refused, threatening to shoot anyone who tried to stop the execution. The cops wisely withdrew and Jenkins was hanged on June 10, 1851.

In July, James Stuart, the real English Jim, returned to San Francisco and was caught trying to rob a ship in the harbor. Rather than turn Stuart over to "those who pretend to administer justice," the English crew delivered him to the Vigilance Committee, which now numbered over 400 prominent citizens.

At his trial on July 11, Stuart freely confessed to a long list of crimes, including the murder of Sheriff Moore and the assault and robbery of Jansen. Two hours later, he was hanged.

A Vigilante group then rode off to Marysville to inform the authorities that the real James Stuart had been hanged, and to obtain Berdue's release. The courts soon officially found Berdue innocent, and the Vigilance Committee gave him a purse of several thousand dollars which its members had raised to compensate him for the injustice he'd suffered at the hands of the regular authorities.

Thus, while Hollywood vigilantes summarily hang innocent people without trial, the real Vigilantes had a scrupulous regard for due process and actually freed an innocent man who had been sentenced to hang by the courts.

Indeed, a special grand jury, impaneled by San Francisco's corrupt City Council to investigate the hanging of James Stuart, virtually endorsed the Vigilantes by finding that the "members of that association have been governed by a feeling of opposition to the manner in which the law has been administered, rather than a determination to disregard the law itself."

But the politicians weren't finished with the Vigilance Committee, which in the meantime, had arrested two more

Sydney Ducks — Samuel Whittaker and Robert McKenzie — convicted them of robbery, arson and burglary, and sentenced them to hang.

On August 21, 1851, California Governor John McDougal issued a proclamation denouncing the Vigilance Committee as "a self-constituted association ... acting in defiance of the laws." He also sent Sheriff Jack Hayes with a writ of habeas corpus and a large police force to demand custody of Whittaker and McKenzie. The outnumbered Vigilantes offered no resistance, and the prisoners were taken to the town jail under City Hall.

Three days later, however, 36 heavily armed Vigilantes overpowered the Sheriff's guard and took the prisoner back to Committee headquarters, where the entire membership had assembled. Twenty minutes later, Whittaker and McKenzie were dangling from redwood beams run out of the windows of the main meeting room, as a crowd of several thousand citizens cheered.

The hanging of Whittaker and McKenzie in bold and successful defiance of Governor McDougal set off a panic among the Sydney Ducks, who streamed out of San Francisco in search of a healthier climate.

With peace and order restored, the first Vigilance Committee dissolved itself. A second Vigilance Committee was formed in 1856 because of similar circumstances, and it achieved similar results.

But it is precisely because of their successes that establishment politicians and police chiefs — from Governor McDougal, Mayor Geary and Sheriff Hayes in 1851, to Governor Romer, Mayor Webb and Police Chief Michaud in 1992 — have always denounced vigilantes.

The statesmen who wrote Colorado's Constitution in 1876, however, felt very differently about things. In fact, they enshrined the people's right to provide for their own safety in Colorado's Bill of Rights, which states that:

"All political power is vested in and derived from the people (Section 1)," and that "All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness (Section 3)."

This is very same Constitution which Chief Michaud has sworn to uphold, and has therefore presumably read. But, like the government of 1851 San Francisco, Chief Michaud seems more concerned with jurisdictional matters than with actually stopping the criminal anarchy that prevails in our city.

Perhaps we really do need a Vigilance Committee, and perhaps Chief Michaud deserves our thanks for suggesting the idea.

*The Vigilance  
Committee  
compensated  
him for the  
injustice he'd  
suffered at the  
hands of the  
regular  
authorities.*



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