



LIBERTY PLEDGE NEWSLETTER

The Liberty Pledge Newsletter is a monthly publication for the contributors of the National Libertarian Party's Liberty Pledge Program, Independence '88 and the Torch Club. It is also distributed to National Committee Members and State Party Chairs, in appreciation of the involvement as well as to network information on activities at Headquarters and on libertarians in the news.

Clippings and other items of interest are appreciated.

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HAVE A PROBLEM WITH YOUR PLEDGE? WANT TO RAISE IT? CALL 1-800-682-1776

May 1987

Candidate News

Los Angeles attorney Carol Newman, who received *over 128,000 votes* in her '86 bid for California Attorney General, has declared her intention to seek the LP's '88 presidential nomination. In a recent interview with American Libertarian she stated that if asked she would be willing to run as vice-presidential candidate with either of the two principle presidential candidates.

Congratulations to Doug Anderson, who recently defeated two Democratic incumbents and was elected to a 4 year term on the Denver Board of Elections. Good work, Doug!

Survey Responses

Of approximately 500 survey forms distributed, 63 have been returned so far; we have also received a number of letters and phone calls -- some from non-pledgers seeking some way to participate in surveys and other networking activities of the LP (more on this later). Questions and answers received are listed below.

1. Asked how often you read The Liberty Pledge News: 37 said always; 15 said usually; 4 sometimes; 2 never; 1 said he makes copies to share with other Libertarians who don't have access to news available in The Pledge. 4 did not respond to this question.

2. Favorite section/feature? 22 said clippings; 21 said Headquarter's news; 10 said they like the whole thing and refused to pick a section; 1 specified Party news; 1 candidate news; 1 ballot status news; 1 said the Quote of the Month; 1 says "not much," and 6 did not respond.

3. New features you'd like to see in The Pledge? 30 want to see news of freedoms lost or gained; 17 want Committee news; 17 want new campaign techniques and equipment; 14 want more interviews and profiles; and 5 want book reviews.

Quite a number offered their own suggestions: 4 want news of internal happenings; 3 each asked for fundraising news, LP election victories, and putting the suggested new features in **LP NEWS**; 2 each asked for more campaign do's and don't's, networking news, and membership drive news; 1 each asked for Party organization news, state party news, election news, pledge program news, initiative news, government news, ballot

news (including monthly reports by percentages on in-process ballot drives), classifieds, Republican conversion techniques, news the establishment media ignore, an enlarged Liberty Pledge Newsletter, the same Pledge Newsletter, no Pledge Newsletter-- and, of course, there was 1 vote for None of the Above.

4. 22 of those returning survey forms do not plan to attend the Nominating Convention in Seattle this September; 33 do plan to attend; 4 are not yet sure; 4 didn't respond.

5. 21 had attended previous national conventions; 37 had not; 5 didn't respond.

6. 35 plan to be active in the '88 campaign; 18 do not (2 are government employees prohibited from political activism); 6 are still unsure; 4 did not respond.

7. 32 of 63 are not interested in buying outreach materials or issue papers from the National LP; 14 are; 3 might. Topics and issues suggested: 1 vote each for the Platform; environmentalism; zoning; property rights; the farm crisis; LP NEWS outreach issues; campaign pamphlets; the Q&A pamphlet; and a better Q&A pamphlet, and "new stuff."

14 did not respond; 3 wanted to know more about materials available; and 3 suggested a catalogue or sample distribution.

8. Asked what projects the national office should give highest priority:

14 listed media attention; press releases and advertising received another 4 votes each; publicizing the Platform and publicizing LP positions on issues of current interest to the general public received 1 vote each.

Ballot access received 11 votes.

10 listed education top priority with 1 more specifying issue education.

Recruitment received 9 votes, and celebrity recruitment got 1 vote.

Outreach received 10 votes; outreach literature received 2 votes; minority, new voter, non-voter, opinion leader and student outreach were each listed once.

8 listed helping the state parties; 2 listed party networking; 1 voted for helping state and local activists; 2 for communications; 1 suggested we delegate some responsibilities to the state parties and 1 voted for decentralizing.

6 listed fundraising; there was 1 voted for financing

Libertarian law professor slated for largest US appeals court

Opposition expected in Senate, but turndown is considered unlikely

By Ann Levin
Special to The Christian Science Monitor

San Diego
Nomination of a mild-mannered, bespectacled law professor at the University of San Diego to the Ninth US Circuit Court of Appeals has Washington, D.C., liberals scurrying to law libraries in search of material that might help derail his appointment.

Prof. Bernard Siegan's libertarian, free-market views are not expected to provoke a full-blown United States Senate showdown like the one that occurred last summer when Democrats bitterly opposed President Reagan's nomination of conservative Indiana lawyer Daniel Manion to the Seventh Circuit Court of Appeals. Mr. Manion was confirmed in a 50-to-49 Senate vote.

Critics of former real estate lawyer Siegan concede that he is likely to win the appointment to the largest and busiest federal appeals court, which decides cases for California, eight other Western states, Guam, and the Mariana Islands.

Siegan was nominated to the Ninth Circuit Court along with Oregon federal district Judge Edward Leavy. Mr. Leavy's confirmation by the US Senate in March created a majority of Republican-appointed judges on the appellate court long regarded as the most liberal in the nation.

With one of its 28 seats vacant, the Ninth Circuit Court now includes 12 judges appointed by Jimmy Carter, nine by Reagan, three by Richard Nixon, two by Gerald Ford, and one by John Kennedy. But even if Siegan is confirmed, as expected, University of Santa Clara law school dean Gerald Uelmen says, it would be hasty to assume the balance on the court will be tipped toward one side of the political spectrum, since cases are heard by randomly selected three-judge panels.

Dean Uelmen, who has closely studied the Ninth Circuit Court, says the Reagan administration "probably targeted" the court for conservative appointments, feeling it "had to correct an imbalance."

Siegan's supporters say that, regardless of the extreme positions he has often taken as an academic and as a weekly columnist for a libertarian newspaper chain based in southern California, he

would feel bound to follow the law in deciding cases.

"As an intermediate court judge, he'll follow the rules from above. To the extent it leaves him a gap, he'll follow his own inclinations. That's what everyone does," says University of Chicago law Prof. Richard Epstein, a leading adherent of the conservative economic theory of law, associated with the University of Chicago, that tries to view legal decisions in terms of cost-benefit analysis.

In numerous scholarly articles and books, Siegan has argued that the US Supreme Court in the post-New Deal era has failed to give economic rights equal weight with other liberties. He holds that the framers of the Constitution considered economic rights to be at least as important as personal rights, and that much of the economic and social legislation flowing from Franklin D. Roosevelt's New Deal is unconstitutional.

As a private lawyer and later as a member of President Reagan's Commission on Housing, Siegan criticized zoning laws, saying they reduce the stock of affordable housing for low-income families.

"He clearly is not part of the intellectual mainstream, but you can't assume the status quo is correct because it's been around 50 years," Mr. Epstein said. "I don't think Bernie [Siegan] should be judged a relic solely because he disagrees with [liberal Supreme Court] Justice [William] Brennan."

But moderate-to-liberal constitutional law scholars label Siegan a "judicial activist" from the right who would be inclined to strike down environmental legislation, minimum-wage laws, rent control, and zoning on grounds that they infringe upon individual property rights.

"His views reflect a philosophy of radical judicial activism in support of those with wealth and property that seems so inconsistent with the ideals of a restrained judiciary that it casts grave doubts on whether the Reagan administration has any idea what it's doing," says Harvard University law Prof. Laurence Tribe.

Siegan's "philosophy would mean that child-labor laws, minimum-wage laws, and virtually the entire safety net of economic protection could be struck down by federal judges," Professor Tribe says.

Siegan's critics are focusing on a 1985 article he wrote for the libertarian Cato Institute in which he criticized the Su-

preme Court for "judicial excesses" in ordering forced busing and in permitting abortion during the first trimester of pregnancy. He said the Supreme Court's landmark 1954 desegregation case, *Brown v. Board of Education*, demonstrated the court's "flagrant" usurpation of legislative and executive powers.

"There is no fundamental or natural right to education, nor to an integrated education; each is a political right created by government and is accordingly not within the guarantees of the 14th Amendment," Siegan wrote.

Critics have cited portions of a questionnaire Siegan filled out for the Senate Judiciary Committee in which he said that during his more than 20 years in private practice he appeared in court only occasionally, mostly on civil matters.

He has also come under fire for listing free legal and policy advice to a libertarian San Diego city councilman in the late 1970s and early 1980s as representative of his "pro bono" work.

Since his nomination Feb. 2, Siegan has been unavailable for comment, saying that the Justice Department has asked

him to turn down requests for interviews while the nomination is pending.

So far, no critic has made charges or produced evidence as potentially damaging as some leveled at Manion, or at William Rehnquist when the present Chief Justice of the US was being considered for confirmation. But Senate staff members deliberately scheduled Siegan's confirmation hearing for early summer - at the tail end of a string of less controversial nominees - to provide plenty of time to investigate his background.

Siegan earned his law degree from the University of Chicago in 1949. He practiced real estate law in Chicago with a partner before moving to San Diego to teach in 1973. His law practice was augmented by his own real estate development companies.

Last year Siegan was appointed to the national commission chaired by former Chief Justice of the US Warren Burger, to plan the bicentennial of the Constitution. This year he is directing a Justice Department-funded study at the University of San Diego to determine the original intentions of the framers of the Constitution.

Make freedom endure, Means tells graduates

SAN GABRIEL VALLEY TRIBUNE/CA
By MARK ADAMS
Staff writer

Indian activist Russell Means, candidate for the Libertarian party's presidential nomination, brought his message of self-determination to Pitzer College in Claremont on Sunday.

After a greeting spoken in his native Sioux language, Means told the 150 graduates receiving degrees that they have a responsibility to make certain the freedoms of society endure.

Individual liberties and principles must be preserved by young leaders, Means told the students gathered on Pellisier Mall.

He spoke of a spiritual existence where the self is the center of the universe. Communities, states and nations are built from that base, Means said.

The participation of just one individual can make a difference, he said.

He recalled chasing the car of a presidential candidate who sat on the back of the car with outstretched hand, a hand Means finally grasped as he ran alongside.

The country's leader should remain that accessible, he said, not afraid of his own constituency.

Means said the U.S. Constitution was derived from the laws and practices of native Americans.

The liberties advanced by native Americans provided a sturdy base for the freedoms the country was founded upon, he said.

A substantial portion of a taxpayer's income goes to fund government, Means said, and an individual should be aware that not everyone is following the teachings of their mothers.

He spoke of loosening the country's trade restrictions to create interlocking economies, not just to the north and Canada, but also to the south.

Means, who led the occupation of Wounded Knee in 1973, ended his message optimistically, reminding the graduates they are responsible for what transpires in the future while assuring them of his confidence in their choices.

"My two-year-old child has a future," he said, "because you're responsible."

Justice Scalia: Libertarian

The March 8 article titled "Scalia Independence on Supreme Court Worries Conservatives," by Al Kamen of the Washington Post, raises some important observations about our latest Supreme Court justice, but goes on to reach the wrong conclusions.

Kamen's purpose is to gloat at what appears to be the failure of Scalia's desire to side with or "rubber stamp" the agenda of the conservative right. Kamen makes several important points, among which are that Scalia has a different brand of conservatism than Chief Justice William Rehnquist with a "strain of old-fashioned anti-government conservatism", and that Scalia sees a "narrowly defined role for the courts."

At first blush, one might conclude, as Kamen suggests, that the court's voting pattern is more liberal - "in the conventional jargon."

With these very correct observations, Kamen is willing to further conclude that perhaps Scalia will be far more liberal than expected.

Has Scalia "seen the light"? Do we have another Earl Warren in the making?
Not on your life. That's just wishful

thinking. The court is more liberal only "in the conventional jargon."

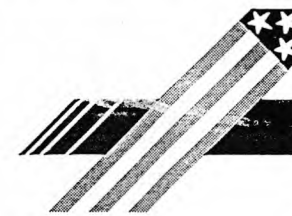
Scalia, as Kamen stated in his article, is an anti-statist and one who sees very limited roles for our government and the power of the Supreme Court. This justice will not be on the side of "activism," looking for new trails to blaze, but rather, on the side of "strict constructionism" to limit the role of government in the strictest interpretation of the Constitution.

The subtitle of this article should be, "Conventional Political Labels Are No Longer Appropriate." Labels like "liberal" and "conservative" are only different sides of the same coin of "statism"; those who seek the sanction and protection of the government to force their ideas and credos on us all.

The label to properly define Scalia's philosophy is "libertarian": the philosophy of freedom and limited government. It is also the same philosophy that dominated the thinking at the time of the writing of our great Constitution.

Go ahead, Nino, and do your thing! You are going to make Thomas Jefferson proud.
THOMAS P. CIANO
Williamsville

THE NEWS/Bufalo NY



The Culture of Freedom

Libertarian Presidential Nominating Convention
Seattle Sheraton Hotel September 2, 3, 4, 5, 6, 1987

Libertarians seek legal ballot status

HEADLIGHT HERALD/Tillamook OR

by Mike Sims, news editor

A Rockaway Beach building designer is almost single-handedly carrying the Libertarian Party of Oregon banner in Tillamook County - and helping in an effort to get the party designated as a political party in Oregon.

Mel Loomer currently is circulating a petition asking that the Libertarian Party be given ballot status in Oregon. Currently, only the two major political parties - Democrat and Republican - have registered ballot status in Oregon.

"Oregon has very stringent ballot-access laws," Loomer explained. "We're fighting to get ballot status for the party...by getting the required number of names on the petition and then keep that status by getting the required number of votes."

"Minority parties have a tough role, getting challengers to rise up and meet existing policy makers."

The Libertarian Party, which has 13 registered members in Tillamook County, has a unique philosophy that sets it apart somewhat from the two existing parties. But Loomer explained that the Libertarian Party principles are the same principles that sparked the American Revolution: Government must not interfere with people's rights to their life, freedom and personal property.

Loomer recently welcomed Andre Marrou of Las Vegas, Nev., a declared Libertarian Party candidate for vice-president in the 1988 election, to Tillamook. The two discussed Libertarian principles and philosophies and agreed that evasion and avoidance of personal responsibility is responsible for many laws that Libertarians believe are unnecessary.

"Drug laws, gun-control laws and bartender-at-fault laws are examples," Marrou said. "The bartender-fault laws - the person responsible for any damage or injury is the one who is drunk, not the bartender, not the bar owner, not the liquor-sales person nor the truck driver."

Loomer cited speed limits on roads and highways as another example, stating a belief that speed limits are "basically a revenue-raising phenomena rather than a safety-motivated one."

Marrou recently spoke at Libertarian Party state conventions near McMinnville and in California. At the California convention, he said that the two major parties argued about "good" or "better" government.

"I asserted in California that there is no 'good' government, but that government is a necessary evil," Marrou said. "We need police to protect us from harm and from fraud but beyond that, it's a question of how much harm government does and the Libertarian Party seeks to minimize that."

Marrou and Loomer discussed the concept of "public good" and agreed that there is no such thing. "If you have 10 people in a room, you don't have a 'public' good but rather 10 individual goods," Marrou explained. "What is conceived as 'public' good is only an aggregate of individual goods."

For example, Marrou cited what he termed "the ultimate transgression against an individual" - murder. "The public is not involved when a murder is committed; Joe Jones the victim is."

"If you could do away with the notion that 'public good' exists, you could do away with 90 percent of the laws in this country," Marrou

Libertarian yuppie

AS A "YUPPIE," I would like to respond to William Dunn's article, "Yuppies have election clout, complex political views, researchers say" (Feb. 8). Mr. Dunn correctly states we are "politically conservative on some issues, liberal on others." There is a name for this political viewpoint: libertarianism.

We value freedom in both the economic and civil-liberties dimensions. We recognize that our government is degenerating into savage bands called "influence groups" that seek unearned favors extracted by force at the expense of others. We observe that we are see-sawing between "liberal" and "conservative" while moving steadily toward "totalitarian."

We hold individual rights as our life principle, and abhor the collectivist-communist principle of self-immolation for the benefit of others. We seek the restoration of laissez-faire capitalism and a "hands-off" attitude by government toward our bodies, our minds and our property. Our political goal is "freedom in our time."

Robert L. Walton Fairport

DEMOCRAT-CHRONICLE/Rochester NY

past commitments.

2 want us to focus all our energy on the presidential race; 2 others think we should focus on developing US Senate and Congressional candidates, saying those positions were more winnable; 1 voted to target a few races where we can match funds with the two traditional parties; 1 wants us to give top priority to developing credible candidates; 1 suggested we focus on recruiting officials already in office.

2 voted for Party organization; accurate record-keeping received 1 vote as did stability, ending all infighting on the Libertarian National Committee, the computer, legalization of victimless crimes and deregulation.

7 did not respond.

9. Asked what could be done to improve the effectiveness of the national LP:

Decentralization was the top vote-getter with 3.

Items receiving 2 votes each: media drives; news releases; financing; the pledge system; moving back to D.C.; a smaller National Committee; and prioritizing.

Items receiving 1 vote each: name recognition; candidate exposure, publicizing the platform; focusing on winnable campaigns; publicizing our successes; posting campaign results on computer bulletin board systems; participation in League of Women Voters' debates; developing coalitions; nominating Ron Paul; educating local parties for better outreach; networking local, state and national Parties; delegating responsibilities to state Parties; maintaining membership lists for state Parties; organizing; improving organizational skills; hiring a paid volunteer coordinator; spending less time and money on phone solicitations; Bylaws revisions; better use of sub-committees; development of continuity; keeping promises; staying out of debt; buying Macintosh computers; keeping the Macintosh computer; buying a good computer system; making effective use of a computer system; moving to California; staying in one place; a 1-800 listing in the D.C. phone directory; ending divisive bickering; downplaying the drug issue; focusing on mainstream issues; philosophical arguments concerning popular issues; focusing on issues where the LP has attention-getting, positive, persuasive solutions to issues of popular interest; continuing with recent innovations; continuing to explore new ideas and techniques; establishing goals and plans to achieve goals (fundraising, membership, etc) and publishing both.

4 claimed no knowledge of an answer and 15 did not respond.

Comments of interest included: "I see things breaking down on the local level which will effect National..." "I'd like to see The Pledge used as a networking tool for active Libertarians;" "We must find a way to have Tom Brokaw acknowledge we exist!" "I think the information contained in this month's Liberty Pledge Newsletter shows National Headquarters is on the right track;" "Keep up the good work;" "You're doing a fine job given the money you have to work with. You can do a better job when you have more money;" "I would give you...over the years...A minus...considering all the changes and ins and outs;" "Sounds like some good starts -- the ability to pass good starts on to the next people may be

very important;" "Remember Pledgers are in it for the long haul;" "Hang in there. It will come."

All your input -- whether praise, constructive criticism or comfort -- is appreciated.

Networking News

Although we can't incorporate all your suggestions into The Liberty Pledge Newsletter, many of them have great merit and we do not intend to drop the ball.

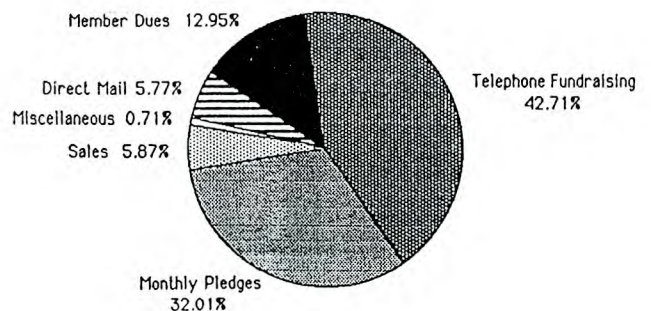
In an effort to fill the gap and improve communications among LP activists, the LP is launching a new publication: The LP Activist Network News. The Activist will focus on YOU -- the volunteer, the officer, the candidate, the editor, the activist, state, local and/or national -- and what you're doing -- what works, what doesn't, how long it takes, how much it costs, who's where doing what and what they need to keep this movement moving.

Subscriptions (\$10 per year) include Libertarian National Committee meeting Minutes, LNC Resolutions and updates, Director's and Chair's reports, and other FYI mailings to keep those of you "in the field" in the know.

In the June issue, you'll find an interview with newly-elected Doug Anderson, a Ballot Access Committee Report, a proposed Classroom Outreach project, clippings, classifieds, and more. Pledgers and State Chairs will receive complementary copies of this first issue, and all are invited -- are urged -- to use this newsletter as a tool to actively network with the LP and with each other.

That's it for this month. Hope you enjoy the clippings.

LIBERTARIAN PARTY CONTRIBUTIONS FOR APRIL



Total = \$19,659.84