

COLORADO LIBERTARIAN PARTY

CLiPboard

Official Monthly Newsletter of the Colorado Libertarian Party
720 E. 18th Ave. Suite 309
Denver, CO 80203
Telephone (303) 837-9393
March 1989 Issue

From The Chair

Greetings! On February 11, the CLP Board of Directors took the strongest action that's ever been taken by that group since it's founding. The Board voted unanimously to file a distinct and separate lawsuit against Governor Roy Romer for violations against citizen's rights protected in the First, Fifth, Ninth, Tenth, and Fourteenth Amendments of the U.S. Constitution, several sections of Articles II and V of the Colorado State Constitution, and against the Campaign Reform Act, Section 1-45-17, 1-45-101. These violations occurred during his whirlwind campaign last fall to defeat Amendment 6, the Taxpayer's Bill of Rights.

To put these violations very simply and briefly: Governor Romer abused the power of his office and used public resources to defeat Amendment 6 in his statewide campaign during the final weeks before the November election. Such action is clear abridgement of fundamental citizen freedoms. Judge Richard Matsch held in *Mountain States Legal Fndtn v. Denver School District #1*, 459 F. Supp. 357 (D. Colo. 1978.)

As you may recall, the Colorado Union of Taxpayers filed suit against Romer last fall pertaining to many of these violations. Since that filing little has been done with the case, as far as keeping it high profile, and the relief measures sought were not as strong as they could be.

Concerned about this, after much thought and soul searching, I felt it proper action to propose action to the board that we file a separate suit.

I feel very strongly that the stance of the Libertarian Party as protectors of individual liberty can be greatly enhanced in this suit. This is a bold, decisive action that carries with it fantastic potential to make huge strides in protection of citizen's freedoms. It is not simply a lawsuit - it is a full-fledged campaign against government interference in our rights as sovereign individuals.

I intend to devote my full attention to this campaign on behalf of the Party. It will be kept high-profile throughout its duration. It is important to note that in filing this suit we will not be undermining CUT's previous action. Two suits from two different constituencies filed on the same premise can only strengthen each other. We have informed C.U.T. of our intentions, they are amicable, and we will be filing a motion for consolidation of the suits immediately. This will enable us to pool resources, legal counsel, and fund raising capabilities. Our projected filing date is Tuesday, March 14. We have retained the legal counsel of Kathy Curtis, a libertarian attorney in Fort Collins who has had experience in constitutional law cases in Federal Court.

The costs of this action are high. We have set up a separate account, the "Constitutional Defense Fund", to collect monies specifically to cover legal costs for this case. Please see fit to contribute to this fund - you will be backing a high-profile, active campaign for individual liberty. Legal precedent is clear on these charges and entirely in our favor. If you prefer, you may "loan" the funds, to be returned upon our prevailing in the suit.

The opportunity has come for the Libertarian Party to take bold, credible, action. Let's rally support for this project - it's one of our last chances to protect what few freedoms we have remaining.

Yours in Liberty,

(Signed)

Mary Lind

Editorial

As usual, our state legislators are missing the point.

"Amendment to the state constitution requires a two-thirds vote by both houses of the legislature: Why should it be so much easier for citizens?"

That quote was made by Senator Ted Strickland in a December 26 Associated Press article. Concerned at that time about a likely increase in citizen initiatives, Colorado leaders vowed to make the initiative process more difficult. True to their word, they gave birth to House Bill 1181, a bill that makes the initiative process impossibly cumbersome. Conceived by Secretary of State Natalie Meyer and given life by Rep. Scott McGinnis of Glenwood Springs, the bill won approval in the House and now lies in the Senate State Affairs Committee.

Not wanting to face the music as to why citizen initiatives may be on the rise, state legislators have opted instead to choke off the entire process with stifling changes within the election laws. These changes include shortening the time allowed for ballot title protest, requiring additional information of petition signers, mandatory signing in black ink, elimination of the opportunity to cure petitions, requirement of the Secretary of State to validate all signatures, and slews of additional bureaucratic brickbats designed specifically to hogtie initiatives. In a confoundingly unconstitutional move, Speaker Bev Bledsoe amended the bill to mandate that paid petitioners be paid a minimum of \$5 per signature. With 50,668 valid signatures required for ballot access, it's obvious that if the red tape doesn't gag you, the cost of it will.

The illusive point is this: "All political power is vested in and derived from the people: all government, of right, originates from the people, is founded on their will only, and is instituted solely for the good of the whole." (Article II, Section 1, Constitution of the State of Colorado.) Fearful for their validity as representatives of the citizenry, and nervous about having their blank check controlled by future tax limitation initiatives, state legislators are attempting to squash any attempt by voters to exercise their inherent rights as sovereign individuals. House Bill 1181 aims at doing just that. It is the legislature's method by which to obscure the point that the sole source of government's authority is by consent of the governed. This means that government is not the

ruler, but it is the servant of the citizens. Government officials and public entities as such have no rights except the rights delegated to them by the citizens for a specific purpose. Never has that purpose been to abridge constitutional rights.

Legislators would have us believe that citizen initiatives are on the rise simply because the process is "easy." I propose this to the men and women on the Hill: initiatives are increasing because the citizens of Colorado believe that our representative government is presently a disappointment. Told to "vote them out in a few years if you don't like them," voters know full well that this leaves them at the mercy of pseudo representatives for the remainder of their tenure. Reflecting on the close defeat of Amendment 6 and the failure of many bond financing elections around the state, it's quite obvious that voters are tiring of the heavy-handed, tax-and-spend mentality of our elected officials.

Having for all practical purposes lost the power of referendum, the initiative process is the last avenue remaining for citizens to amend the state constitution and hold tight the reigns of the state government. The right of the people to petition the government for redress of grievances is explicitly stated in the first amendment to the U.S. Constitution, and is reiterated in our own state constitution: "The people have the right peaceably... to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance." (Article II, S. 24) Precariously ironic, isn't it, that the very people sworn to uphold and protect our constitutional rights are the ones who are doing all in their power to make those rights inaccessible?

It has come to the point of fending off imminent rape. Citizens' groups like the Libertarian Party and the Colorado Union of Taxpayers have made every attempt to work within the proper legislative channels to protect the citizens' right to petition. When basic constitutional rights are in jeopardy from our elected officials, a sobering question must be asked: Who will protect us from our protectors? If the legislature will insist on making the initiative process impossibly cumbersome via HB 1181, and insist on violating individuals' rights, then they leave us with but one alternative. They may be missing the point now, but the point will be made. If they don't want to see us on the ballot, then they will see us in court

PUBLIC SERVANT

PUBLIC: (N) The aggregate of the citizens of a state, nation or municipality. (ADJ) Belonging to the people at large - Blacks Law Dictionary

SERVANT: (N) One employed to perform service in master's affairs, whose physical conduct in performance of the service is controlled or is subject to right to control by the master. - Blacks Law Dictionary

Police State. Now there is a term not often heard bandied about up at the legislature. When a member of the State House Judiciary Committee implied during testimony on HB 1306 that I as an individual advocated police state powers, it stunned me. Finally, a public servant speaking out against the advancing menace of individuals advocating police state powers, HB 1306 was aimed at preventing public servants from becoming fearful masters. In my testimony I attempted to show the committee why they already are fearful masters, what a twist of irony that it is a public servant who chose to introduce the police state into polite conversation.

HB 1306 sought to provide criminal penalties for public servants who break the law, specifically the Campaign Reform Act, after all, I as a petitioner, (a first amendment U.S. Constitutional right) am subjected to felony penalties for participation in the election process, in particular for offering inducement to someone (cash or something of value) to sign a petition. What should I offer? My car keys, a vacation in the Bahamas? On the other hand, public servants are subject only to a class 3 misdemeanor (civil) penalty for violating provisions of the campaign reform act, even when they illegally conspire to influence the outcome of an election. If conspiring to illegally affect the outcome of an election is only to be a misdemeanor for a public servant, he is neither. It is fearful master time.

Article 5, Section 1 of the Colorado Constitution guarantees citizens the power to propose laws and amendments to the constitution and to enact or reject the same as the polls and also to approve or reject at their own option any act or item of the general assembly. Article II Section 5 guarantees that all elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. If a public servant can with impunity illegally affect the outcome of a citizens initiative, while the citizen who participates in the suffrage process and breaks the law is subject to a jail sentence, it is time to examine the existence of police state powers, and identify those who really advocate the police state.

The campaign reform act specifically states that "failure to comply with any provision of this article shall have no effect on the validity of any election issue."

In front of the House now is HB 1181. It seeks to further restrict the laws and make it almost impossible to petition for an initiative or candidate.

If a public servant cannot be held accountable for illegal actions to influence the outcome of an election involving a citizens initiative; if the validity of such an election is not at stake when that has occurred; when the very same public servants refuse to consider themselves equal to the citizenry in the suffrage process through criminal sanctions; when the very same public servants seek to further restrict citizens initiative through onerous and unconstitutional laws; I submit that the public servant is neither. He is a fearful master.

The very same public servants who saw fit to vote 2 for and 6 against HB 1306 (after the media had left), passed HB 1335 Gang Related Crimes Bill to the House floor just prior to the HB 1335 vote (lots of media present). Among other provisions HB 1335 will double the size of the Colorado Bureau of Investigation Field Force; it will also provide a mandatory one year jail sentence for second time graffiti artists. All of this and more accompanied by a 25 million dollar appropriation. Members of the House Judiciary Committee ought to look into the mirror. Do they see a public servant? Or a police state master?

Republicans and Democrats are these very same "Public Servants." They are the folks who have made it a law that only Republicans and Democrats can nominate candidates at State conventions and hold primary elections. Basically they have defined the candidate election process. Now, they, in addition, define the citizens initiative and referendum election process. Instead of defining themselves as public servants, they should define police state and fearful master.

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Party Officers and Contacts

Mary Lind, Party Chairman	686-5541
Jon Baraga, Membership and CLiPboard Editor	722-1626
Ron Bain, Communications P.O. Box 1132, Rifle, CO 81650	625-0563
David Aitken, Finance	831-4334
Party Office 720 E. 18th Ave., Suite 309 Denver, CO 80203	837-9393
Mesa County Liberty (Grand Junction Area)	858-9635
Penn Pfiffner National Committee Contact	427-4357

CALENDAR

2nd Saturday - Board Meeting Mar. 11, 12 noon, at the CLP office.

3rd Monday, Mar. 20, Fort Collins social party at 7:30pm at the home of Mary Margaret Glennie, 1317 Lakewood Drive, 484-8184

3rd Wednesday - Cocktail Party. At the Comedy Works, 1226 15th Street, in Denver on Mar. 15th from 7:30pm to 9:30pm. Attendees will receive a free pass to a Comedy Works show.

Discovering the Constitution - Family Citizen Seminar. Saturday, March 11, 1989, 8:30 to Noon King of Glory Lutheran Church, 10001 W. 58th Ave. Arvada, CO 80002 (I-70, Kipling N, 2 miles) -
By Fred Holden and Clyde Harkins

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