

# LIBERTY PLEDGE

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## newsletter

### LOCAL ACTIVISTS AT WORK ...

## Oklahoma LP stops \$1.7 million sales tax hike

Taxpayers in Stephens County, Oklahoma have overwhelmingly rejected a \$1.7 million sales tax increase, thanks to a lobbying campaign organized by the local Libertarian Party.

"It sounds ironic, but individuals have to band together to beat collectivism," said LP member Robert Denard, who led the campaign. "We beat collectivism with a collective effort."

The measure, which would have raised Duncan County's sales tax rate from 3.5 to 4.5 percent, lost on September 9 by a margin of 62 percent to 38 percent.

The money would have been dedicated for schools, even though the state of Oklahoma currently spends \$2 billion a year on education, Denard pointed out.

Pro-tax advocates created a group called Citizens Pursuing Resources, or CPR. Banding together to lobby for the tax were teachers' unions, school bureaucrats, newspaper editors and local governments.

"The county's district attorney even numbered the county commission's resolution 03-911 to support his theme that the schools needed to be 'saved,'" Denard said. "In short, the establishment supported the measure and it seemed sure to be passed by a gullible electorate."

That's when the local LP swung into action. Denard mobilized people who had written anti-tax letters to the editor and produced an anti-tax pamphlet that he arranged to have distributed through convenience stores and restaurants. The theme of the pamphlet was, "How much is enough? When will they stop?"

In the process of distributing the pamphlet he learned that many businesses were against this tax.

"Many were afraid it would be the straw that broke the camel's back as far as their continued operation was concerned," he said. "A few stores refused on the grounds that they didn't want to upset any customers."

"The big day came on September 9," he said. "After a long, tense wait, we saw the tax fail by a 2-to-1 margin."

"But the fight might not be over yet," added Denard. "The CPR chairman has already suggested that he will circulate petitions to get the tax on the ballot again in six months. This is one guy who can't take a hint."

### CALIFORNIA GOVERNOR'S RACE...

## Roscoe 'had fun' getting out small-government message

Libertarian Ned Roscoe says that his longshot, low-budget campaign for California governor was worthwhile and that he "had a lot of fun doing it," even though his vote total was disappointingly small.

"I already feel like a winner," said Roscoe, who spent less than \$1,000 campaigning and accepted less than \$500 in donations. "I went out to represent citizens at the bleeding edge of California's tax abuse, the smokers, carrying the sensible ideas of California's Libertarian Party. I had a ton of fun doing it."

With absentee ballots not yet counted, Roscoe had won 2,007 votes, placing him in the top quarter of the 135-candidate field in the October 8 recall election.

In the historic election, 55 percent of California citizens voted to oust unpopular Democratic Governor Gray Davis and replace him with action film hero Arnold Schwarzenegger, who garnered 49 percent of the vote.

The campaign did allow him to publicize his three-part campaign theme, said Roscoe: "No new taxes. No new stupid laws. Get the work done."

"The principles I represented are the clear winners in this election," he said. "Whoever takes office ignores them at his peril."

## Rock singer scores Libertarian

A Libertarian sparked the curiosity of Queensryche singer Geoff Tate when he approached the stage at a concert in Baton Rouge, Louisiana on September 23 and handed the rock star a Libertarian Party flier.

Two days later, Tate called the phone number on the flier and wanted to find out more about the LP, according to Illinois LP member Eric Dubiel.

"He said he scored Libertarian on the World's Smallest Political Quiz, and was interested, because he never realized there was a third party," said Dubiel, who pointed out that some of the music of the Seattle-based metal band criticizes the drug war. "Tate said he plans to check out the LP website after his tour is over."

(Right) *The Ithaca Journal* (AP),  
Ithaca, New York -- September 10, 2003

(Below) *The World Link.com* (AP),  
Coos Bay, Oregon -- September 13, 2003

## Bar owners' group to fight smoking ban

By William Kates

SYRACUSE—The state's public smoking ban is so vague and confusing that it has failed to effectively provide any recourse for economically suffering businesses, the attorney for a group of bar owners said Tuesday in asking a federal judge to block enforcement of the law.

The Empire State Restaurant and Tavern Association has filed a lawsuit challenging the constitutionality of the new law, which went into effect July 24 and bans smoking in bars, restaurants and other workplaces.

Kevin Mulhearn, the association's attorney, told U.S. District Judge Lawrence Kahn that the smoking ban was causing irreparable harm to bar and restaurant owners, some of whom have lost up to 50 percent of their business.

Although the law provided waivers for undue financial hardship, Mulhearn said the Legislature failed to provide any specific standards, leaving local health departments confused and unwilling to grant waivers.

Assistant Attorney General Charles Quackenbush, meanwhile, questioned whether bars and restaurants were losing business because of the law. He said none of the six bars involved in the lawsuit had done any comprehensive studies that included other possible factors, such as high unemployment or recent layoffs.

"Their claims to injury are speculative," he told Kahn. "The genuine irreparable harm will be inflicted on patrons and workers."

The association's lawsuit also contends that the law's definitions are excessively vague in violation of the Constitution's due process clauses. That vagueness has left bar and restaurant owners bewildered about when smoking is prohibited in outdoor dining areas, Mulhearn said.

Carene Snyder and Dodie Buies are co-owners of Dodester's Pub in Syracuse, one bar that joined in the lawsuit.

"People aren't forced to come into our bar. It should be our choice," said Buies, noting that a recent poll found that nearly 60 percent of the respondents agreed with her.

Snyder, an accountant, said sales at their five-year-old bar are down 47 percent over the past two months.

"This is not about smoking," she said. "It's about making choices."

Meanwhile Tuesday, the state **Libertarian Party** said its members would seek signatures on petitions calling on the Legislature and governor to repeal the ban. John Clifton, the nonsmoking chairman of the party, said the ban is a blow to freedom of choice for all New Yorkers.

"Yes, smokers do have a liberty right to 'choke others' who have chosen to go where people recreationally smoke," Clifton said, "just as patrons have a right to eat fatty meals in front of dieters who have chosen to be at a fast food restaurant."

## Debt-reducing plan approved by voters

By Julia Silverman

PORTLAND—Oregon voters have approved a measure to save money by refinancing the state's share of the public pension debt, while residents of two Oregon counties trounced plans to raise income taxes for schools.

The results suggest an electorate in a thrifty mood, after being battered by several years of high unemployment and a struggling economy statewide.

Supporters of the debt-reduction plan say it will save the state \$1 billion in interest as Oregon pays off its share of the Public Employee Retirement System's debt.

With 91 percent of the vote counted, Measure 29, the debt-refinancing plan, had 55 percent of the vote to 45 percent opposed. The proposal had a wide lead in urban counties and was trailing narrowly in many rural counties.

State Treasurer Randall Edwards, the measure's main supporter, said he was gratified at its passage.

"(The measure will) save nearly \$1 billion," Edwards said. "That's money that can go to schools, our seniors and other critical services."

The Oregon **Libertarian Party**, Measure 29's main opponents, had argued the bonded debt would have to be paid off with more taxes because legislators would squander money saved from refinancing.

Richard Burke, the party executive director, said the results weren't surprising because the measure's supporters had spent more money than his own group's low-budget campaign.

Analysts say the public employees retirement system -- which covers almost 300,000 current and former state and local government employees -- is projected to be about \$8 billion short of paying retiree benefits over the next 24 years.

The state's share of the debt is about \$2.3 billion, on which the system charges the state 8 percent interest. Edwards says he can sell refinancing bonds at about 5 percent interest.

The results mean that sports may be eliminated at the high school in Burns next year, and schools in Corvallis and surrounding areas won't be able to count on local help to withstand any pending state cuts.

"People are getting the message that the schools are very adequately funded," said Dan Ziegler, who had worked against the Corvallis measure. "They don't need more money; they need to properly manage the money they have got."

# Supreme Court should strike Reform Act

By Pete Camp

Now it's up to the Supreme Court. On September 8, the nation's high court heard four hours of oral arguments about the Bipartisan Campaign Reform Act (BCRA)

The **Libertarian Party**, one of 80 plaintiffs in the case, has asked the Supreme Court to strike down the law because it violates Constitutional free speech protections and imposes unfair burdens on third parties. Other Libertarian plaintiffs in the case include Harry Browne's RealCampaignReform.org and former LP candidates Michael Cloud and Carla Howell, who argue that the BCRA violates the First Amendment by unfairly strengthening the role of the "institutional press."

Another Libertarian plaintiff is 17-year-old Trevor Southerland. A founder of the Catoosa County LP in Georgia, Southerland joined the lawsuit because the BCRA made it illegal for minors to contribute to national political parties. At the Supreme Court hearing in Washington, DC, five lawyers presented the ten cases that have been consolidated from the 80-plus plaintiffs. The lead case is *McConnell v. Federal Election Commission*, which the Libertarian Party has signed on to.

Senator Mitch McConnell (R-KY), opposed the law when it was being considered by the U.S. Senate. The BCRA prohibits unlimited contributions of "soft money" to national parties for party-building purposes, and limits the kind of political advertising that can be run in the final months before federal elections. Former special prosecutor Kenneth Starr, who is representing the McConnell coalition, charged that the law "intrudes deeply into the political life of the nation."

The Supreme Court is expected to issue a decision by December. Earlier this year, LP Chair Geoffrey Neale charged that in an attempt to reduce corruption among Democrats and Republicans, the BCRA stifled political speech and imposed massive regulations that make it harder for third parties to compete. "The only way to reduce the influence of money in politics is to reduce the size and power of government," he said. "If Congress had nothing to sell, special interests would have nothing to buy."

Other plaintiffs in the lawsuit include U.S. Representative Ron Paul (R-TX), the American Civil Liberties Union (ACLU), the NRA, the National Right to Life Committee, the James Madison Center for Free Speech, the AFL-CIO, the Republican National Committee, the U.S. Chamber of Commerce, and the National Association of Broadcasters.

The BCRA had been known as the McCain-Feingold bill as it was moving through the U.S. House and U.S. Senate. It was signed into law by President George W. Bush in March 2002. The case made it to the Supreme Court after a U.S. Court of Appeals in Washington, DC struck down nine of the law's 20 provisions in a complicated 1,600-page decision that the LP called a "partial victory" for smaller parties.

(Left) *Up & Coming Weekly*,  
Wilmington, North Carolina --  
September 24, 2003

(Below) *The Star Tribune*,  
Minneapolis, Minnesota -- September 28, 2003

## Members of Congress in line for raise

By Elizabeth Dunbar

WASHINGTON, DC -- If Sen. Mark Dayton, D-Minn., gets a raise this year, there will be a little more money for Minnesota seniors to take bus trips to Canada to buy prescription drugs, because he donates his salary to that movement. Nevertheless, Dayton, a multimillionaire, said he would oppose a 2.2 percent cost-of-living pay raise because of national economic woes and a budget deficit.

"Congress needs to tighten its belt along with everyone else," he said.

Since 1989, members of Congress have been entitled to an annual cost-of-living raise, unless they vote to block it. This year members make \$154,700.

Rep. Gil Gutknecht, R-Minn., said a small adjustment is needed each year to avoid having to make a big adjustment periodically. "I know this is never politically popular," he said. "But if we don't do this on a regular basis we fall behind and it becomes problematic."

Yet watchdog groups question whether members of Congress deserve the adjustment.

"It's unseemly for members of Congress to want to fatten their own wallets when our budget picture is so dire," said Gary Ruskin, director of the Congressional Accountability Project in Washington, D.C.

Barring a successful block of this year's raise in the Senate, senators and House members will make \$158,100 in 2004. That increase would be the members' sixth raise since 1993.

Ruskin said members of Congress are "thumbing their noses" at people hit with layoffs. "It's easy for them to forget the economic trials and indignities of the rest of us," he said.

Minnesota **Libertarian Party** Chairman Ron Helwig said he doesn't know anyone, besides politicians, who can look forward to such a regular cost-of-living raise.

"The automatic nature of the pay raise isn't fair. It doesn't happen in the real workforce," he said.

The salary adjustment for Congress and other federal employees is attached as an amendment to the Transportation and Treasury appropriations bill, which senators will probably debate in mid-October.

Ruskin said he thinks efforts to block the raise will be more successful this year. "The symbolism of voting for a pay raise with such a big budget deficit looks so bad," he said.

# Libertarian Party sues to appear on ballot

By Matt Harvey

CLARKSBURG—The West Virginia **Libertarian Party** and a Libertarian gubernatorial candidate from Harrison County have filed suit in U.S. District Court for the Northern District as part of their bid to appear on the state's general election ballot.

The lawsuit by candidate Simon McClure and the party involves a petition drive by the party. The party is trying to collect signatures from registered voters equal to at least 2 percent of the vote cast for governor in the 2000 general election, according to the lawsuit.

Accomplishing that would clear the way for the party's candidate for governor to appear on the ballot, according to the lawsuit.

Those collecting signatures are required by state code to tell voters that signing the petition, which is called a nominating certificate, will prevent them from voting in the 2004 primary election, the lawsuit alleges.

But an amendment in 1999 to another section of state code made it legal for voters to sign such nominating certificates and still vote in the ensuing primary, the lawsuit indicates.

The lawsuit seeks a permanent injunction preventing Secretary of State Joe Manchin from "enforcing the provision ... that requires nominating certificate canvassers to inform voters that, if they sign the petition, they cannot vote in the next primary election."

A second issue is also addressed by the lawsuit.

It claims canvassers for nominating certificates "must first obtain from a county clerk credentials stating the name and address of the solicitor as well as the candidates' names and the offices that they are seeking."

The Libertarian Party and McClure "plan to use volunteer or paid canvassers to solicit nominating signatures," the lawsuit states, "but meeting the credentials requirement ... would compromise the canvassers' anonymity."

The lawsuit alleges the requirement violates the free-speech rights of McClure and the party "to participate anonymously in the political process as guaranteed by the First and Fourteenth Amendments to the United States Constitution."

The lawsuit also seeks a permanent injunction preventing the state from requiring the Libertarian Party canvassers "to disclose their identities to and obtain credentials from county clerks."

The lawsuit also seeks declaratory judgments on both issues holding that those sections of the code are unconstitutional.

(Left) *Clarksburg Exponent Telegram*, Clarksburg, West Virginia -- September 30, 2003

(Below) *The Virginian-Pilot*, Norfolk, Virginia -- September 4, 2003

## Judge throws out free-speech lawsuit

By Tim McGlone

NORFOLK—Old Dominion University's president cannot be sued for prohibiting a group from distributing political leaflets on campus, a federal judge ruled on Wednesday.

The Tidewater **Libertarian Party** sued university President Roseann Runte, claiming she violated free speech rights by refusing to allow the group to hand out leaflets on campus.

U.S. District Judge Henry C. Morgan Jr., without ruling on the merits of the case, said Runte has immunity from such lawsuits. The Libertarians vowed to appeal.

On Oct. 26, two party members were handing out leaflets opposing the transportation referendum. Security guards outside the Ted Constant Convocation Center asked them to leave. They returned later that day and again were forced to leave.

The Libertarians argued in court papers that the sidewalk outside the new arena is a public place, and the university president cannot prohibit political speech.

During an hour-long hearing Wednesday on the state's motion to dismiss the case, Morgan appeared to be leaning toward allowing the suit to go forward on the grounds that handing out leaflets on a public sidewalk is protected free speech.

"When we're talking about freedom of speech in regards to political activity, it's an important matter," the judge said.

But toward the end of the hearing, he dismissed the case on the state attorney general's argument that Runte, as a government official, has qualified immunity. Runte was the only defendant named by the Libertarians.

Senior Assistant Attorney General Alison Paige Landry also argued that the Libertarians could have been permitted to hand out leaflets had they obtained permission beforehand.

Stephen G. Merrill, an attorney for the Libertarians, said, "Nothing is more important than exercising the right of political expression."

He argued that ODU's "no solicitation policy remains in effect and needs to end."