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LIBERTY PLEDGE NEWSLETTER

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Missouri Libertarians Win Lawsuit

On January 19th the Missouri Court of Appeals reversed a lower court's ruling that prevented the names of two Libertarian Party candidates from appearing on the ballot.

The court ruled that Libertarians Laura Coker-Garcia and Anthony Garcia should have had their names on the ballot for the positions of Boone County Sheriff and Boone County Assessor, respectively.

Requiring a new party to get signatures at both the state and local levels would "lead to an unwarranted burden on a new party," the court ruled.

A three-judge panel had originally ruled on October 29th that the petition requirement was reasonable.

This is the first time Missouri Libertarians have won a ballot access case in court. The effect of the decision is mostly symbolic at this point, but the Missouri Libertarians are considering pursuing the case further to sue for damages or seek a new election.

New Staff Hired

The national office has hired three new staff members in the past month.

Renee Thompson has been hired to replace Marc Montoni to work as our front-office assistant. She will be answering phones, helping with accounting work, and performing other clerical tasks.

Dan Maerten has been hired to replace Steve Feldman to maintain our database. Dan will be responsible for entering all of our cash

transactions, processing address corrections and entering new inquiry names. He will also be coordinating office volunteers and helping with other duties related to membership.

Dawn Bowden has been hired as a temporary employee until we can find a suitable intern. She will be working with the Director three days a week on miscellaneous projects.

Please join us in welcoming our new staff to the national headquarters.

Texas to Run Draheim for Senate

Rick Draheim of Rockwall, Texas, is running in the special election to fill the US Senate seat vacated by Lloyd Bentsen. He is the only Libertarian running and has been endorsed by the Texas Libertarian Party Executive Committee.

Rick received the highest ever finish in a statewide 3-way Texas race involving a Libertarian, receiving over 7% of the votes cast for Railroad Commissioner last November.

Three Democrats and three Republicans have already announced their intentions of running as well. So far Rick is the only candidate who has indicated that he will petition to get on the ballot rather than paying a filing fee. The Texas Libertarians hope that this will play well with the voters.

Ross Perot's organization is sponsoring debates and has promised to include Rick if he gets on the ballot. He will also likely be included in the statewide debates televised on the Texas PBS stations.

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And with all precincts reporting, the winner is ...

... but who's counting, anyway?

by JULES BELINSKI

The vote percentages reported by television networks on election night were often inaccurate — and not just because they were unofficial estimates.

In most cases, vote totals of the top two candidates in senatorial and congressional races added up to 100 percent, even if a third-party candidate polled more than 1 percent of the vote.

"The results we report are 100 percent of what we count," said Bob Flaherty, executive director of the News Election Service, the consortium of media organizations whose purpose is compiling vote counts on election nights. The problem, however, lies in what they don't count.

Co-owned by NBC, CBS, ABC, CNN, and AP, NES only reported totals for "candidates who have a meaningful impact on the race," said Flaherty.

When the number of votes cast for a third candidate was not deemed "meaningful," NES simply made the votes gar-

nered by the top two candidates total 100 percent. That means that in any given race in which a third-party candidate received even 1 percent of the vote, the returns dictated by the NES and quoted by its five major new services were inaccurate.

For instance, in the Pennsylvania Senate race, NES reported Arlen Specter ahead by a margin of 51 percent to 49 percent on election night. Libertarian John Perry, however, actually received 5 percent of the vote.

Results for that race provided by AP two days after the election still reported 51 percent for Specter and 49 percent for Lynn Yeakel. The correct results are Specter 49 percent, Yeakel 46 percent, and Perry 5 percent.

In a similar case, Libertarian Jim Hudson got 3 percent of the vote in the too-close-to-call Georgia Senate race. NES did consider Hudson to be a newsworthy candidate, and all the networks made

mention of him on election night.

Even though AP included the true vote totals of many third-party candidate races in the days following the election, it excluded others and, consequently, reported incorrect percentages.

For example, newspapers using AP election results reported Sheila Smith with 42 percent and Philip Crane with 58 percent in Illinois' 8th CD. The actual results were 40 percent for Smith, 56 percent for Crane, and 4 percent for independent candidate Joe Dillier.

Many publications (including *Campaigns & Elections*) use figures from AP instead of going through the tedious process of calling the boards of election in every state, especially since official results are not available until four to six weeks after the election.

So, the results in the Pennsylvania Senate race, Illinois' 8th CD, and other incorrectly reported three-way races in 1992 will go down in history—wrong. ■

Campaigns & Elections --- Jan. 1993

Webb lashes out over increases in service fees

By Steve Whitmore
Staff writer

Enterprise
1-26-93

Simi Valley's City Council got momentarily bogged down Monday night in reviewing the new schedule of increased service fees, prompting a councilwoman to use colorful language in describing the state of the country.

The council approved by a 4-1 vote the new fees. Some of those new fees are a hike in 16 police fees, including fines for parking in handi-capped spaces and for reporting false alarms.

Councilwoman Sandi Webb was the lone dissenting vote against the fee hikes. She was trying, she said, to lower the costs to the public.

"I just think we need to lower these fees for the public," she said. "We need to look at that."

Moreover, Webb had many questions about the increases, and she examined a number of specific fees in public session.

The examination process caused tempers to flare.

At one point, the examination process resulted in Mayor Greg Stratton exclaiming that \$29 for reproducing a computer diskette was nominal, at best.

"It's only \$29," Stratton said. "That's not a lot of money."

Webb, in turn, retorted that this country is in such bad economic shape precisely because of fee increases such as these.

In fact, her exact language momentarily silenced the council and chamber audience.

"That's the reason why our country is in the biggest sh-- it's (ever been) in," Webb exclaimed.

The new schedule of service charges is a lengthy document. The supporting documentation, alone, for the fees is 226 pages. Members of the public may have a copy of the new fee schedule and the supporting documentation for

(Please see WEBB, Page 8)

Sandi Webb is a Libertarian Party member who was elected to the Simi Valley City Council in 1992.

Enterprise, Simi Valley, CA -- Jan. 14, 1993

STATE GOVERNMENT

Party system challenged

After the investigation: The Libertarian Party still has questions about legislative campaign activity.

By Bob Partlow
and Mindy Chambers

The Olympian

Is it legal to spend public money on political party organizations inside the Legislature?

That's the question the Libertarian Party wants answered in the wake of a state Public Disclosure Commission investigation into widespread illegal campaign activity.

Up to 30 percent of legislative employees don't work for the public. They work for one of the four legislative political organizations, called caucuses.

"Either they (caucuses) are a public agency or a private agency," said Richard Shepard, secretary and attorney for the Libertarian Party.

He argues that there is no constitutional or legal basis to establish the two-party system inside the Legislature — and to use public money to finance it. Such a system is inherently unfair to Libertarians or any other political group, he said.

He points to the settlement between the PDC and the Legislature, signed last week to conclude the investigation.

"This two-party structure is neither constitutionally nor legally required," reads the agreement, signed by legislators. Partisan caucuses were not formed until 1973; they mushroomed in the early 1980s.

But neither does the constitution prohibit such a division of responsibilities inside the Legislature, said incoming Secretary of the Senate Marty Brown, an attorney and long-time legislative staff member.

House Chief Clerk Alan Thompson said the state constitution clearly allows the Legislature to organize in any manner it chooses. Courts have ruled that means the Legislature can operate and pay for the political operations within it.

But should it? "If they are going to allow this to continue — if they've got these political operations and consultants — why shouldn't the Perot people have access to them, or the Libertarians, or any of them?," said Yvonne Conway, a Thurston County activist in the Perot movement.

The Libertarian Party is very

South Sound lawmakers plan crash course in ethics

The Olympian

Rep.-elect Sandra Romero, D-Olympia, says she, Sen.-elect Karen Fraser, D-Lacey, and Rep.-elect Cathy Wolfe, D-Olympia, will hold a retreat with their staff members to discuss the Public Disclosure Commission's investigation and findings.

"You have to have things in place to keep this (illegal campaign work) from happening," she said.

Specific measures include having all staff read the standards of conduct regarding the use of public facilities. Most importantly, Romero said, "we will tell people that if they have a question about what is and isn't legal to come and ask."

Fraser said legislators received a packet a couple of months ago clarifying procedures so people don't slip back in to illegal campaign work. Further rules are expected to be issued this week.

"I think the main thing is each elected member must

be dedicated to upholding the law, she said.

Rep. Bill Brunsickle, R-Centralia, said he expects "very, very high monitoring of staff and legislators. We have made the commitment, now we have to stay with it."

He suggested that some sort of audit of staff and legislator activities could be done by some other agency, although he did not know what agency that would be.

Romero said she agrees with some of the proposals in the agreement signed by the PDC and legislative leaders. Among them are prohibiting legislative employees from recruiting or campaigning for legislative candidates; not paying benefits to employees on leave without pay for purposes of campaigning; and removing the blackout of the last four digits of members' telephone records.

"You can let a lot of those things go you don't need — your job is to represent the district," she said.

unhappy that our own tax money was spent unlawfully to defeat our candidates and (was used to elect) Democrats and Republicans," Shepard said.

Staff leaders such as Brown and Thompson argue legislatures are inherently political. It is appropriate that lawmakers have the staff to help wage the partisan battles, they said.

But with a non-partisan research staff in place in each house, why do the parties need their own?

"There are definite points of view that are argued all over the place around here," that benefit from having a partisan point of view researched as the debate continues, Brown said.

Besides, the neutral, non-partisan staff has too much work to do overseeing the day-to-day operations of the legislative committees to do as thorough a job as necessary researching issues, he said.

The Perot organization, now called United We Stand, America, will meet Jan. 8 and 9 and discuss a possible initiative concerning the Legislature, including changes in caucus staff.

New rules

At the end of July this year, the House and Senate issued joint rules seeking to clarify what leaders and staff felt were gray areas between electoral politics and issue politics.

Those areas include:

■ **Policy issue research:** The rules draw the line between preparation of a policy response that would be used to seek a campaign contribution or endorsement and development of policy options and recommendations dealing with legislation.

■ **Press releases:** The line is drawn between specific campaign statements and information describing legislative activity or policy positions.

■ **Talking to constituents and others:** The rules ban fund-raising, recruiting volunteers, assisting in the development of a campaign plan or conducting a town-hall meeting after June 30 without the clerk's or secretary's permission.

Libertarians pleased with results

By Teresa Kaemmerer
Correspondent

For the next four years, Missouri can consider itself a three-party state — thanks to the good showing of several Libertarian candidates in statewide races last Tuesday.

Five of the 28 Libertarians running for statewide offices each received 2 percent or more of the votes — the minimum number needed for the state to consider them members of a major party. What was once the largest third party in the state is now the smallest major party, area Libertarians say.

"We are extremely ecstatic and pleased that the Libertarian Party was able to achieve this," said Ken Bush, director of public relations for the St. Louis area Libertarian Party. "It's great news for Missouri. We are definitely now a three-party state." Only one Libertarian candidate

needed to get 2 percent of the vote to win the Libertarians major party status. The five candidates who received at least that amount were: Frank Nugent, lieutenant governor, 2.6 percent; Eric Harris, secretary of state, 2.6 percent; Jeanne Bojarski, U.S. Senate, 3.2 percent; Mitch Moore, attorney general, 4.6 percent; and Janet Lewis, state treasurer, 6.2 percent.

The designation as a major party will allow the Libertarians to place candidates on the ballot without going through the process required by the state for third-party candidates, Bush said. That process is time-consuming and costly and makes Missouri one of the five hardest states in which to get a third-party candidate on the ballot, he said.

Until now, the Libertarian Party had to collect a total of 23,000 valid signatures from peo-

ple in various districts across the state. All candidates, including the presidential candidate, must be listed on the back of the petition, which forces the national Libertarian Party to have its nominating convention more than a year before the actual election, Bush said.

"It is a process that stifles democracy and keeps the Democrats and the Republicans in power," Bush said.

Now that the Libertarian Party will not have to go through the petition process, Missouri residents might hear more about Libertarian candidates than they have in the past, Bush said. More funds now can be funneled into campaigns rather than signature collecting.

The major party designation only holds for four years, Bush said. It will be renewed if at least one Libertarian candidate for a statewide office garners at least 2 percent of the vote in the 1996 general election.

Libertarian Party Activists Launch Parking Ticket Refund Program

By ROBERT GREENE
Staff Writer

Declaring that people who return to their parking spaces late should not be treated like criminals, Libertarian Ted Brown yesterday announced a program to refund fines collected on City of Los Angeles parking tickets.

Speaking at a press conference in front of a City of Los Angeles Parking Violations Bureau, Brown, chair of the Libertarian Party of Los Angeles County, claimed 99 percent of drivers who have paid parking fines in Los Angeles since 1987 are due refunds.

James Fosbinder, attorney for the party, explained that the fines are actually bail, and that violators who send in the money without appearing in court have never forfeited their bail. A year after the violation, he said, the limitations period has run and the bail must be refunded.

"The city is extorting bail from you whether you are found guilty or not," Fosbinder said.

Under the program, Brown said yesterday, the Libertarian Party would do the necessary paperwork in return for half of the refund.

Fosbinder called parking tickets a "regressive form of taxation" that "hits the poor the hardest." He explained that lower-income people generally live in apartments, and that there is less legal street space available per resident in such areas than in single-family home neighborhoods.

The attorney asserted that the poor also are hardest hit by interest charges on late payments, which he said amounted to 1,000 percent per year.

Brown acknowledged that individuals could apply for the refunds without the help of the Libertarian Party. But he said people acting alone "have to go through too many hoops" and wait too long for their refunds.

"It's better to let the agent, the Libertarian Party, submit the forms for you" in exchange for 50 percent, he said.

Libertarian activist Jerry Collette claimed that on Nov. 24, the party had 40 traffic tickets dismissed in Div. 64 of the Los Angeles Municipal Court. He said refunds were ordered and "are pending" for another 50 tickets.

A clerk in Div. 64 was unable to confirm the assertions yesterday afternoon.

Brown was asked whether the party's 50 percent would be a political donation. "Yes," said Brown. "No," said Collette. The two then conferred and agreed that the money would be a donation.

Asked whether the refund program was a fundraiser for the Libertarian Party, Brown smiled. "That's one result," he said.

A crowd of people who had come to the Parking Violations Bureau office to pay their fines stayed to hear the Libertarians speak. Several said they planned to take the party up on its offer.

"Are you serious?" Laura Rosenthal of West Hollywood asked. "This is a true law thing?"

Rhonda Fosbinder, a law student and James Fosbinder's wife, assured her it was legal and gave Rosenthal a form to complete. "Just fill out the form

with your name, address and license tag number, and send it to us with \$2 [for processing]," Rhonda Fosbinder told Rosenthal.

The party's processing fee was later reduced to \$1, according to Collette.

Asked by reporters whether the city would object

items Coordinator Jay Carsman, asked for comment, referred to statements reported in Wednesday's MeriNews in which he denied any refunds were due.

Carsman said yesterday he had "no further reaction."

Several news vans parked at metered spaces on Pico



—Staff Photograph

James Fosbinder, attorney for the Libertarian Party of Los Angeles County, announces launching of a program to help members of the public get refunds on their parking ticket payments. At right is party activist Jerry Collette.

to the Libertarian program, Fosbinder said it had no choice but to issue the refunds. "The law is crystal clear," he said.

City Department of Transportation Parking Sys-

Blvd. in front of the Parking Violations Bureau office for the press conference.

None of the reporters put money in the meters. None of the vans got parking tickets.

Metropolitan News - Enterprise, Los Angeles, CA

Dec. 11, 1992

Libertarians fight to stay legal party

Despite collecting the highest vote total in North Carolina of any third party in this century, Libertarians are fighting to remain a legal party in North Carolina, according to press release from state party headquarters.

The Libertarian Party of North Carolina's Executive Committee has secured legal counsel to consider possible court action against the State Board of Elections.

For Libertarians to re-qualify for the ballot, they must collect signatures equivalent to two percent of the votes cast in the last governor's race. Scott McLaughlin, Libertarian candidate for governor in the 1992 election, received 104,983 votes, or four percent of the vote.

Speaking at 1993's first official meeting of the Executive Board, Libertarian Party State Chair Lynn Fogwell said: "We believe the intent of the law is to demonstrate a significant interest in a party. We have done this by getting double the signature requirement in our vote total alone."

Libertarians were required to get 10 percent of the vote for governor in order to retain their status.

Libertarian loses round in court

By Florence K. Blanchard
Times-News correspondent

HAILEY — Libertarian businessman Joe Rohner wants to tell it to the jury, but 5th District Magistrate Judge Robert Elgee says he'll decide whether there's a constitutional basis to the charges against Rohner for refusing to buy a Ketchum business license.

The Founding Fathers intended that juries should judge both law and fact, Rohner argued, but that's not how Elgee saw it.

The judge ruled Friday in favor of Blaine County Prosecuting Attorney Fritz Haemmerle that Rohner must argue questions of constitutionality before the court, which will then decide on their merits.

"It was Black Friday," said Rohner afterwards. "I'm really disappointed. Fritz had only one measly case to support his argument that law is the exclusive domain of the court while I cited numerous cases supporting the jury's right to deliberate law, a right which goes all the way back to 1771."

Rohner is chairman of the Idaho chapter of the Libertarian Party, which is philosophically opposed to most types of government regulation. He has twice run unsuccessfully for the Idaho Senate.

"I'll pursue this case all the way to the Supreme Court," Rohner said. "I want to see every citizen informed about this basic constitutional right."

Rohner will be back in Magistrate Court on Jan. 9 to defend himself on charges of violating Ketchum City Ordinance 370, which requires him to buy an off-site permit to operate his business. He faces a \$300 fine or six months in jail if he's convicted.

Up until October, only off-site businesses selling products were required to have vendors' licenses. The Ketchum City Council voted to close this loophole with the new ordinance which includes services.

Rohner does not believe that people should be charged to make a living and says he's been unfairly targeted by the council and City Manager Jim Jaquet.

Elgee granted Rohner an extension until Dec. 31 to raise any pre-trial motions or objections after Rohner said that he didn't understand that he had only 21 days to do so. The 21 days ran out last week.

Rohner will have another chance to have the court rule on the appropriateness of his request at a second trial hearing Dec. 11, but he isn't optimistic about his chances of winning.

"It's part of the legal tradition now that judges don't have to inform juries of this right and an attorney who uses this argument would be ostracized," he said.



Rohner

The Times News,

Twin Falls, ID -- Dec. 22, 1992

The Dispatch, Lexington, NC -- Jan. 14, 1993