



Published for friends and supporters of the Libertarian Party

# Liberty Pledge

NEWSLETTER

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## Supreme Court hears Libertarian case

A Georgia state law requiring political candidates to take urine tests for drugs is a violation of First and Fourth Amendment rights, a Libertarian Party member told the Supreme Court on January 14th.

"It's an asinine law," said Walker Chandler, representing himself before the high court in the case of *Chandler v. Miller*. "Alcoholism is obviously the worst problem among politicians, but that's not being tested for. And there's no test for a politician's intelligence. Or ethics. Or for the main addiction in political society — power."

At stake in the case: A one-of-a-kind 1990 Georgia law requiring all candidates for state office to submit a urine sample that tests negative for drugs before being allowed on the ballot.

Chandler collided with the new law when he ran for lieutenant governor as an LP candidate in 1994. Under protest, he took and passed the drug test, won more than 47,000 votes in the election, and filed a lawsuit challenging the constitutionality of the law.

After losing in district court and in the 11th Circuit Court of Appeals, he appealed to the Supreme Court.

His defense: The Fourth Amendment's prohibition against "unreasonable" searches. "Surely there are some limits to suspicionless drug testing," said Chandler. "This case may be an opportunity for the Court to delineate just what those limits might be."

His other defense: The First Amendment's protection of free speech. "If you refuse to take a drug test, it's like refusing to salute the flag of the drug war. Georgia has no right to keep off the ballot either those who might fail a drug test or those who might refuse to take one," he said.

Attorneys from Georgia argued that the state has a "compelling" need for drug-free politicians.

But that's a foolish argument, countered LP National Director Perry Willis, who said the party stands 100% behind Chandler in the case. "What America has a compelling need for are politicians who understand and enforce the Constitution," he said.

*Chandler v. Miller* represents the first time the Supreme Court has agreed to hear a case filed by the Libertarian Party. Since 1975, the high court has rejected 15 appeals from the party, all relating to ballot access and election fairness laws.

## Number of registered Libertarians shows 49% increase since 1994

The number of registered Libertarian voters has surged by more than 49% since 1994 — the fastest growth rate in more than two decades, reported the party's National Director Perry Willis.

The number of Americans registered as Libertarian in the 28 states that allow partisan registration stands at 162,545 — up from 109,001 two years ago, according to the January 12, 1997 issue of *Ballot Access News*.

"The number of registered Libertarians is at its highest point in party history," said Willis. "And, as a percentage, this is our most rapid growth since the early days of the party, when we first began registering voters."

Willis said he wasn't surprised by the skyrocketing growth.

"The increase in registered voters over the past three years parallels our rapid growth in dues-paying members, presidential vote totals, contributions, and Libertarians in public office," he noted. "In every category, we've experienced a 50% to 100% increase since 1994."

Other established political parties did not fare as well as the Libertarian Party, according to figures in *Ballot Access News*. Since 1994, the Democratic Party grew by only 6.3%, the Republican Party grew by 9.9%, the Green Party grew by 25%, and the U.S. Taxpayer's Party grew by 24%.

## Tardy absentee ballots boost Browne's vote total to 485,120

The official vote total for Libertarian presidential candidate Harry Browne has jumped by more than 14,000 votes — thanks mostly to late absentee ballots.

The final, comprehensive 1996 presidential vote total for Browne is 485,120 votes, reports Richard Winger, publisher of *Ballot Access News*.

That represents a significant increase over the 471,000-vote figure which had been publicized immediately after the election.

The new votes came "predominantly from Oregon and Washington state," said Winger. "They have such a huge proportion of [absentee] voters that they don't [count] the bulk of their votes for a couple of weeks."

The extra votes solidified Browne's position as the party's second most successful presidential candidate, behind only 1980 presidential candidate Ed Clark.

# Minor Parties Are Campaigning Against Curbs They Claim Condemn Them to Third-Class Status

By EDWARD FELSENTHAL

Staff Reporter of THE WALL STREET JOURNAL  
WASHINGTON — The Libertarian Party of North Carolina had its best year ever in the November election, fielding a record number of candidates and winning a surprising 16% of the vote in some districts.

But a month later, the party is fighting for its political life. Under state election law, the party will officially cease to exist if it can't put together a petition of 51,324 voters by early February.

"It really takes the wind out of everybody's sails," says Kris Williams, who coordinates ballot efforts at Libertarian headquarters in Washington. "It's crazy."

Fed up with such requirements, which exist in similar form in almost every state, activists are campaigning across the country to make the political system friendlier to minor parties. Third parties have filed dozens of lawsuits, including an important case from Minnesota that is pending in the Supreme Court, challenging state restrictions as unconstitutional.

Although some states have recently stiffened their ballot rules, about a dozen others, including Oregon, Nevada and Wyoming, have passed laws making it easier for third-party candidates to get on the ballot. Similar legislation is expected to be introduced next year in North Carolina, West Virginia and Maryland.

Some of the efforts to loosen the restrictions have been under way since 1968, when the Supreme Court struck down Ohio ballot requirements that it said gave Republicans and Democrats "a complete monopoly." But the emergence of Ross Perot's Reform Party, the first minor party in several decades with real muscle, has infused the movement with new life. Indeed, even perceived snubs, such as the exclusion of Mr. Perot from the presidential debates this fall, could ironically wind up boosting minor parties by galvanizing activists.

## Getting 'Some Changes Made'

"We're going to form coalitions with people who have similar views and then see if we can get some changes made," says Carl Owenby, chairman of the Reform Party's Florida executive committee. "We're in the organizational stages."

One major battle is already under way in the Supreme Court, which is weighing a challenge to a Minnesota law that third parties say relegates them to third-class status. At issue is the fact that Minnesota, like most states, forbids minor parties from nominating a candidate from another party who is already on the ballot.

## Rules for Minors

Percentage of votes a party must poll to remain on the ballot for the next election:

STATE	PERCENTAGE
Alabama	20% in any statewide election
Colorado	10% in gubernatorial election
Indiana	2% in secretary of state election
Minnesota	5% in any statewide election
New Hampshire	3% in gubernatorial election
North Carolina	10% in presidential or gubernatorial election
Ohio	5% in presidential or gubernatorial election
Rhode Island	5% in gubernatorial election
West Virginia	1% in gubernatorial election
Wyoming	3% in congressional election

Source: Ballot Access News

Many minor parties would like the right to nominate candidates of more established parties — a practice called "fusion" that is common in New York and used occasionally in a few other states. For one thing, third parties would like to be able to deliver votes to mainstream candidates as a way of demonstrating their political clout. In the 1980 presidential election, for example, Ronald Reagan was pushed over the top in New York by the votes he received as the nominee of the Conservative Party. Minor parties would also like to use fusion to boost their vote count because most states make it easier for parties that do well at the polls to get on future ballots.

Inevitably, start-up parties have to field some candidates who "aren't going to be competitive," says Russell Verney, national coordinator for the Reform Party. "Fusion allows you to avoid that entire problem."

The Minnesota case arose after the state blocked the Twin Cities Area New Party from nominating an incumbent state legislator, Andy Dawkins, because he was already the candidate of the Democratic-Farmer-Labor Party, a major party in Minnesota. The state contends that allowing such double nominations would confuse voters and could potentially turn Election Day into a forum for venting intraparty squabbles.

As long as a state "doesn't freeze out

minor parties," says Richard Slowes, a lawyer for Minnesota, it "should have some leeway in constructing its electoral machinery."

## Apparent Sympathies

Although the high court has made it clear that states can't shut out minor parties altogether, several of the justices seemed sympathetic to Minnesota's argument during oral arguments earlier this month. Indeed, Justice Antonin Scalia said he thinks states can legally design a ballot "that disfavors small parties" if they want to.

Minor parties have also been trying to ease the way for their own candidates to get on the ballot, a cumbersome process that typically involves gathering thousands of signatures and paying a fee. The Reform Party, for example, has successfully challenged laws in Arkansas and Maine that require such petitions to be submitted months before the campaign actually gets under way. Other parties have unsuccessfully sued state election officials claiming that signature requirements were enforced too stringently and that certain filing-fee schemes discriminate against minor parties.

Even if a minor party manages to get on the ballot a first time, staying there can be even harder because, to do so, many states require a demonstration of considerable strength at the polls. In Colorado, New Jersey and Virginia, for example, minor parties lose their ballot slot if they don't poll at least 10% of the votes in certain elections.

Several minor parties have asked courts and state legislatures to reduce these percentage requirements, but such efforts have had mixed results. "This is what kills third parties," says Richard Winger, editor of Ballot Access News, a San Francisco-based newsletter for minor parties. "They can get on the ballot in practically every state once. But having to do it over and over again is what wipes them out."

## Deeply Ingrained

Third-party overhaul efforts face considerable hurdles because, after decades of more fractionalized politics in the 1800s, the two-party model has become deeply ingrained in the American system. Moreover, the state legislatures that would have to approve changes are dominated by Democrats and Republicans who have little to gain from promoting other parties' interests.

And there's another problem. Until now, Libertarians have had to pull a disproportionate share of the load because they are one of the few minor parties that are well-organized nationally. But Mr. Winger of Ballot-Access News predicts that the Reform Party, once it finishes organizing internally, will be a more powerful force in state legislatures.

With their "distrust and dislike of politicians and government," Libertarians "aren't ideal lobbyists," Mr. Winger says. "If you start off with that attitude, it's not going to be very effective."

“A power-hungry, overzealous bureaucrat...Dr. David Kessler spent six years making a mockery of the Hippocratic oath: ‘First, do no harm.’”

**STEVE DASBACH**, national chairman of the Libertarian Party, on Kessler's announcement last week that he was resigning after six aggressively activist years as commissioner of the Food and Drug Administration.



**EYE ON THE HILL**

**The Freedom Ticket**

**V**ETERAN DATABASE MAVEN Mike Buoncristiano did more than just talk during this year's election. The Avanti! Marketing founder ran for Congress in his New Jersey district on the Libertarian ticket.

According to an e-mail Buoncristiano sent voters, he was motivated by a desire to get “government out of your personal life.”

This means “no censorship on the Internet...no ban on encryption.” It also means privatizing the Social Security system to make ours more “like the one so successful in Chile.”

An advocate of term limits, Mike also promised voters “not to become a ‘professional politician.’”

Not that there was any danger of that. Mike, like most Libertarian candidates, lost. But he won 5% of the vote in Hoboken (where Avanti! is located), and came in third in a field of six districtwide.

Will he run again? “I haven't made any decision other than to keep hammering away as a private citizen,” he says. But he intends to make a big push for his nonprofit Institute to Protect American Freedom.—RS

◀ *San Diego Union*  
San Diego, California, December 1, 1996

**Lawyer eagerly awaits high court appearance**

By FRANCIS X. CLINES  
The New York Times

ZEBULON, Ga. — Leaning back from a plate of barbecue, the country lawyer fantasized about his forthcoming appearance before the United States Supreme Court, pleased that he, a heartfelt Libertarian from backroads America, will have his day before the court on an issue of most personal liberty.

“An asinine law, a bunch of junk,” said Walker L. Chandler, still furious that he had to submit to a urine test for state political candidates two years ago to run for lieutenant governor on the Libertarian ticket.

Georgia is the only state that requires drug tests for its candidates for state office, as if they were racehorses or train engineers or Dallas Cowboys. In agreeing to hear Chandler's challenge to the law, the Supreme Court has signaled a curiosity to deal with this highly unusual front in the endless war on drugs being pressed in each campaign cycle by the nation's politicians.

“Alcoholism is obviously the worst drug problem among politicians, but that's not being tested for,” Chandler thundered as if the barbecue shack were the high court. “And there's no test for a politician's intelligence. Or ethics. Or for the main addiction in political society — power.”

Chandler momentarily rested his case, poking at the barbecue and looking forward to arguing — he terms it “applying heat” — next month in the name of everyone's freedom and his own right to run again for office unhindered. He is an incorrigible Libertarian, the sort of Southern host who amiably invites a guest out into the pristine woods here in west-central Georgia for a go with one of the assault weapons from his collector's arsenal.

When his daughter, Canada, headed

*Do human rights include 'privacy and the right to self-medicate'?*

out on a cross-country bicycle tour, he presented her with a derringer pistol. “She's sort of a liberal in a socialist society,” he explained of his concern. His bookshelves show extensive interest in Elvis Presley, as well as in Churchill and Audubon. He is the leader of Boy Scout Troop 123. He is as active in the Kiwanis and the Presbyterian Church as he is in the ever-challenging, ever-losing cause of Libertarian politics, which opposes various government activities as oppressive to the individual.

“We, the alcohol-swilling majority,” he intones in mock majesty, viewing Republicans and Democrats as wings of a political establishment more addicted to socialism than to substance abuse.

“This is the first Libertarian Party-related case in which the Supreme Court has ever granted cert,” he said proudly of the court's decision to hear his complaint after years in which the party had pressed a score of different issues without success. While the court has upheld the government side in earlier cases, the rulings have been narrowly tailored to circumstances, with forceful reminders from conservative members that sweeping drug-testing laws can run afoul of the Fourth Amendment's prohibition against unreasonable searches.

In this context, buffs and corridor handicappers at the court suspect that Chandler may be proved right in his current hunch that a Libertarian is on the verge of finally winning one against the government. It would be stunning because his petition was one of only 100

accepted from 7,000 submissions.

“I have hopes that my fellow Georgian, Clarence Thomas, may come through on this case,” said Chandler, referring to the conservative-minded justice. “He's strong on states' rights but also believes in the natural rights of man, which include privacy and the right to self-medicate.”

As the lawyer happily fantasized about his visit to the court, he clearly ached to deliver a blow against political hypocrisy as much as one for individual conscience.

“Politicians are terrified of the drug war, and very few of them will speak out against any aspect of it,” he said, underlining an irony of the case. While a 1990 Georgia law requiring all public employees to submit to drug testing ultimately was struck down in the courts as too sweeping, a parallel law forcing such testing upon all state candidates has survived so far. “Some fool in the General Assembly got up and said, ‘Well, if we're going to test them, let's test us, too,’” he said, predicting that if the court ruled against him, there would be a frenzy of similar laws passed in other states as politicians sheepishly followed suit.

The 48-year-old lawyer, a specialist in divorce and criminal-defense cases, is delighted that he caught the high court's attention. “I feel as good about this as I did when I won the Mary Mitchell trial,” he said of a recent victory in which he used a battered-spouse defense to win an acquittal for a woman who had shot her husband to death. “The prosecutor emphasized the poor victim, you know, and put his bloody T-shirt in evidence, but they didn't read what the shirt said,” the lawyer said as he related his dramatic final summation. “The shirt said, ‘The more I know about women, the more I love my truck.’”

The lawyer grinned but admitted that he would have nothing so tricky up his sleeve for his 30-minute Supreme court appearance on Jan. 14. “I hope to apply modified heat,” Chandler said. “Not that I'm going to get up there and shout and scream. I may not do a particularly good job, but it is my case.”

He beamed proudly, a lawyer who dates his Libertarianism to his golden undergraduate days at the University of Virginia, invented by Jefferson himself, the last place Chandler was ever elected to office. He ran for Student Council, somewhat playfully, on the Anarchist ticket, defeating two power-fraternity rivals with the motto, “What has order gotten you?”

▲ *The Chicago Daily Law Bulletin*  
Chicago, Illinois, December 16, 1996

◀ *Direct Magazine*  
New York, NY, December 1996

## Democrat Tells Truth About Social Security Trust Fund; Now Let's Discuss Real Reform

A top Democrat politician has done the unthinkable: He has admitted there is no Social Security trust fund — and that the system is effectively bankrupt.

Bravo.

Finally, the truth about Social Security. Finally, an establishment politician who admits that the emperor has no clothes — and that the fraudulent, dying Social Security system has no money. Perhaps now we can start talking about real solutions.

In a discussion last week about the Social Security trust fund, Senate Democratic Leader Thomas Daschle (SD) admitted to syndicated columnist Robert D. Novak that "there is no such fund per se."

The confession was shocking because politicians claimed for years that Social Security was comfortably solvent thanks to that trust fund — which stockpiled current surplus revenues to pay recipients when the Social Security system moves into the red in 16 years.

Daschle admitted what every economist knows: the so-called trust fund is nothing more than a pile of IOUs from the federal government to the federal government.

Keep in mind, the Social Security administration spends almost every penny it takes in, as fast as that money comes in. And when revenue no longer covers expenses, which is projected to occur in 2012, an economic meltdown will occur. The Social Security trust fund won't save the system.

Why? Because politicians use the surplus revenues from Social Security to fund other, current government programs. In exchange, Social Security gets Treasury bills, which it puts in the trust fund.

In 2012, Social Security will start cashing in those Treasury bills to stay solvent. But the federal government is already \$5.2 billion in debt; it has no money to pay those Treasury bills. At that point, politicians will have only four choices: Dramatically boost taxes; borrow more money and drive the nation deeper into debt; cut Social Security benefits — or let the whole system collapse.

But there is another solution.

Perhaps Daschle's candid admission that the system is broke is an opportunity to talk frankly about real solutions to the Social Security mess. Perhaps it's time to admit that only the free market can provide a solution.

First, we need to decide what kind of America we want. Do we want a country in which generations fight with each other over a constantly shrinking pie? Or do we get America back on track again — so we can have a country with responsible, self-reliant citizens?

The only way to avoid the coming Social Security collapse is to get the government completely out of Social Security. As I proposed during my presidential campaign, we should sell trillions of dollars worth of unneeded federal assets to finance the liquidation of Social Security through the purchase of private retirement annuities for senior citizens.

So, instead of relying on politicians and bankrupt government programs, senior citizens would have guaranteed contracts with private companies who have never broken their promises. And other Americans will never again have to pay the 15% Social Security tax — so they can afford to save for their own retirements.

But America can't wait any longer.

Daschle's comments provide a window of opportunity to start talking about real solutions. But the economic time bomb is ticking — and we have a dwindling number of years left to defuse it. A privatized system is the only way to put the trust back into America's retirement trust funds.

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## SHOP TALK

By Tim Curran

**Happy Anniversary.** Twenty-five years ago this past Wednesday, outraged by the imposition of wage and price controls by President **Richard Nixon**, eight individuals met in Colorado and voted to establish the Libertarian Party.

Libertarians claim that their 25-year history makes them one of just eight political parties to remain in existence for at least a quarter of a century in the United States, and they're aiming to make the next 25 a breakthrough period.

"We're established as the most important third party of the latter half of the 20th century," national chairman **Steve Dasbach** said on the anniversary. "Now we're working to become the dominant major party of the first half of the 21st century."

Dasbach boasted that Libertarians, and their belief in the "uncompromising defense of individual liberty," had helped drive the national debate on many issues.

"Ideas considered outlandish 20 years ago — privatizing government services, ending the war on drugs, and so on — are part of mainstream politics now," he said. "Libertarianism has become one of the most powerful intellectual forces in America."

No candidate running as a Libertarian has ever been elected to Congress, but this year former Rep. **Ron Paul** (R-Texas), who was the party's presidential candidate in 1988, did win back a House seat running under the GOP banner.

"For 25 years, Republicans and Democrats have been hoping that we'll just go away," Dasbach said. "But every time they suggest a new tax, or impose more censorship, or get America involved in another bloody war, or subsidize their corporate clients, we'll be there to point out their sins."

"We've spent 25 years keeping Republican and Democratic politicians honest," he said. "We plan to spend the next 25 years keeping them unemployed."

▲ *Roll Call*  
Washington, DC, December 16, 1996

◀ *Business Times*  
New Haven, Connecticut, December 1996