

LIBERTY PLEDGE

NEWSLETTER

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How Party Insiders Have Thwarted the Will of Nearly Half of America's Voters

Excerpted from *Independent Voter Network*
By *Presidential Debate News*
Published on August 21, 2015

The Federal Election Commission (FEC) recently found that the Commission on Presidential Debates (CPD) had not violated current rules on access to debates. That was no surprise—when you consider that the FEC, like the CPD, is divided between Democrats and Republicans. It's a bipartisan, not non-partisan agency.

What was surprising, however, was a joint statement that was just released from two members of the FEC: the chair, Ann Ravel, and a commissioner, Ellen L. Weintraub. These two commissioners voted in favor of opening a rulemaking that would consider, in their words, "whether the existing rules are adequate to ensure that debates are conducted fairly and without a bias against non-major-party candidates."

They lost that vote, 4-2, but in their statement (just released) they lay out a powerful argument against the current debate rules.

"We should not be satisfied with regulations that may be preventing [independents'] points of view from being represented in public debate."

—FEC commissioners Ravel and Weintraub

Ravel and Weintraub note that with so many Americans identifying themselves as independents (nearly as many as Republicans and Democrats combined), "we should not be satisfied with regulations that may be preventing their points of view from being represented in public debate."

They also point out that when Level the Playing Field asked for a rulemaking last year, the FEC received over 1,200 supporting comments—with only one opposed. The lone dissenter was the CPD itself.

Ravel and Weintraub write that while the CPD is not supposed to restrict participants in the final fall debates to merely the nominees of the two major parties, that has been precisely the result of its rules.

The last time there was a third debater was in 1992. Ross

Perot did not make the 15 percent threshold (he was polling at 8 percent shortly before the first debate), but the rules were different then. They were changed, we believe, because Perot managed to get into the debates.

No more Perots! That's the rallying cry for the CPD. Some members have said as much publicly.

But listen to the eloquence of Ravel and Weintraub:

[T]he effect of the 15-percent polling threshold has been that, since its adoption, only the two major party candidates have appeared in the debates. The Commission's regulations require that nomination by a major party may not be the sole objective criterion to determine who may participate in a debate. However, the criteria established by CPD seem to have accomplished the same result by different means. This problem has not gone unnoticed; the Commission received more than 1200 comments urging it to open a rulemaking, with CPD as the sole commenter opposing the petition.

The FEC has an important role to play in ensuring broad participation in our political process, including in our public dialogue. At a time when an increasing number of Americans identify as independents, we should not be satisfied with regulations that may be preventing their points of view from being represented in public debate. At a minimum, we ought to engage with the public on this issue. It has been over twenty years since the Commission has taken a serious look at its rules on candidate debates. Such a re-examination is long overdue.

"Long overdue" is an understatement. It is a scandal and a mockery of the democratic process that the largest political party in America, as NBC's Chuck Todd called the mass of independents, is being kept off the debate stage by insiders seeking to protect the candidates [of] the two major parties.

The FEC's decision, of course, does not end the matter. Far from it. We believe we will prevail in the lawsuit by Level the Playing Field and the Libertarian and Green parties to require the FEC and CPD to do their duty. Change the rule, open up the presidential debates and make room for an independent voice. •

New marijuana legalization initiative gaining steam in Florida

Excerpted from *Examiner.com*

By Karl Dickey, West Palm Beach Libertarian

Published on August 30, 2015

A new initiative which would re-legalize marijuana use for adults in Florida is gaining interest. On August 29, 2015, Floridians for Freedom increased their Facebook fan page interest by 54 percent as Libertarians, Democrats, Republicans, and independents began signing up to volunteer for the new organization. Volunteers began going out to get petitions signed so the initiative will be able to go before voters on the November, 2016 ballot. It's a monumental task for any of the three constitutional amendment initiatives working to re-legalize cannabis in some form in Florida. According to the nation's most authoritative survey, a majority of Americans now favor [its] legalization.

Chairperson of Floridians for Freedom, Jodi James, said:

“After nearly twenty years working on this issue, I’ve come to believe the only way to ensure people have access to the cannabis plant is to make its possession, use and cultivation, a right protected by the Constitution. Once it is legal, lawmakers, citizen groups, business owners and [lobbyists] can argue about regulation, fair taxes, and market shares. Having seen the evolving efforts to regulate cannabis in other states, I am more convinced than ever, cannabis regulation does not belong in our Constitution.”

Floridians for Freedom was created earlier [in August] and will have its official kickoff event at different locations across the state on Sept. 15. On August 26, Florida's Secretary of Elections approved Floridians for Freedom's petition. James is also executive director for the Florida Cannabis Action Network.

The Freedom for Florida petition limits use of cannabis to adults 21 years of age and over, and would retain the rights of businesses to decide whether to allow employees [the] use of cannabis. It would allow adults to cultivate cannabis on their own property while giving more freedom for patients who wish to utilize the plant for its health benefits.

Libertarian Party of Florida (LPF) Chairman Adrian Wyllie commented on Facebook, stating:

“We should always be extremely wary of amending the Florida Constitution.... Ideally, this is a matter that should be handled legislatively. Unfortunately, because our legislators have ignored the will of the people...and have failed to act, they have left us little choice. Without question, the Floridians for Freedom amendment is the most consistent with the LPF platform. It has appropriately broad, yet clear, language for a constitutional amendment. The only question is whether 60% of Floridians have moved far enough to the Libertarian position on cannabis for it to pass. I certainly hope so.”

Floridians for Freedom is one of three petitions making the rounds statewide, and it is a Herculean task to garner enough signatures for the measures to be printed on the Nov., 2016 ballot. Each [initiative] will require 683,149 verified signed petitions; however, each organization's goal is one million signatures, because many will be thrown out, for [various] reasons. The three organizations have until February 1 to

New and renewing Liberty Pledgers

David Adsit	Allen Kilbourne
Sean Bearly	Kathleen Kolchier
Ronda Birr	Ken Kolchier
Brett Bittner	Luis Martinez
Nicholas Bonacci	J. Thomas May
Brian Chapman	James Mayor
Christopher Claytor	Andrew McCarrick
Christopher Cole	Jacob Mustoe
Leigh DeVoe	Sondra Peart
Trevor Evans	Angela Plummer
Donald Forbes	Stuart Russell
Benjamin French	Scott Sanford
Karl Goy	Anthony Sileo
Darren Greway	Mark Spikes
Christopher Haines	Bryan Sutton
Matthew Hunter	Carolyn Swanson
Nia Innes	

submit enough signatures to be considered for the ballot,” Even then, over 60 percent would need to vote [yes] for it to become part of the Florida Constitution.

The [related] initiatives are, one for medical purposes, and another which would regulate cannabis similar to how Florida regulates alcohol. Regulate Florida, put out by Sensible Florida, Inc., had its petition approved by the elections office this past week. United for Care had their petition approved earlier this year and focuses on expanding medical marijuana usage in Florida.

Bill Wohlsifer, Esq., who wrote the Regulate Florida initiative with Michael Minardi, Esq., said, “Despite our state's CBD law's (FS 381.986) January 1, 2015 deadline, DOH (Florida Dept. of Health) has yet to issue a single nursery license. We purposefully wrote Sensible Florida's petition in such a comprehensive manner to sufficiently avoid the delay and confusion that Florida's CBD patients and their families are experiencing....”

Libertarians have been debating on social media which measure to support and should the LPF officially endorse one or all of the initiatives.

Ken Willey, LP candidate for House District 18 in Clay County, opined on Regulate Florida:

“1. This amendment sets up a framework for...

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California Ready for End to Pot Prohibition

State officials are charting the regulatory and tax framework for a coming marijuana boom

Excerpted from *Reason.com*
By Steven Greenhut
Published on August 22, 2015

President Franklin D. Roosevelt cheered the end of Prohibition in 1933 with these famous words: “What America needs now is a drink.” Roosevelt and other federal officials had been expecting the demise of America’s widely panned policy of banning the sale, transportation, production and importation of booze.

As states end the prohibition of marijuana, I’ve heard of no politicians extolling Americans to enjoy a good “toke”—but many are plotting the regulatory and tax strategies for a post-legalization world. To many California officials, the issue is not whether to legalize recreational uses of marijuana. It’s about *when*, and what the world is going to look like after it does.

The best example is the recent release of the wonkish “Pathways Report” from the state’s Blue Ribbon Commission on Marijuana Policy. The panel was led by Lt. Gov. Gavin Newsom, a Democrat planning a run for governor in 2018. Following the report, he still supports legalization, although he won’t support just any initiative. His caution sets the tone for the discussion.

The report was widely applauded for its effort to wrestle with the toughest issues. The report is the state’s de facto blueprint

for constructing a legal framework in anticipation of a 2016 statewide ballot expected to feature at least one serious legalization measure.

Blue-ribbon winners

Many conclusions are designed to assuage the concerns of the public and law enforcement officials. The commission wants to ensure that children cannot easily gain access to marijuana, provide adequate testing of products to protect consumers, and assure open competition.

Under the mostly black-market situation, anyone has access—and there’s no outside observer who checks the products’ potency or safety. Most environmental problems arise because these operations tend to be illegal and growers are more concerned about staying ahead of the law than about the [property’s future].

According to the report. “Amid [the] federal prohibition, California has two current prongs of a marijuana industry: a) a large illicit market of cultivation and retail sale, and b) a quasi-legal medical cannabis system that is largely unregulated, untaxed and untenable.”

The medical-pot situation invites recreational users to [feign] medical conditions—and the “loose regulations...are also an invitation for federal intervention.”

The report calls for a highly regulated

recreational market with a tight state-licensing system; regulations to prevent the creation of a dominant marijuana industry; tracking of the product; government-directed testing; a central state authority to regulate businesses; and more.

Regulatory overreach?

The proposed regulatory regime is so extensive it makes some marijuana supporters wonder whether they might not be better off under the existing system. “I can make the case, if you can’t take up and celebrate in public when it passes, it’s not legalization,” said Steve Kubby, one of the drafters of Prop. 215, current chairman of a cannabis-related company and Libertarian Party activist.

Kubby was subsequently prosecuted for growing marijuana on his property—charges he claims were motivated by retribution for his active involvement in the campaign. He won his case, but his ordeal has left him jaded about reform efforts that give up too much in the process.

California marijuana users are in an overall better position now than those in Colorado and Washington—states that recently legalized recreational use, but did so in such a regulated and taxed way that it gave law enforcement many expanded powers, he argues. Legalization might “really be a step backwards.”•

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Judge rejects Libertarian Party's ballot access challenge

Excerpted from *The Boston Globe*
By Holly Ramer, Associated Press
Published on Aug. 28, 2015

CONCORD, N.H. — A federal judge on [Thursday, Aug. 27] upheld a New Hampshire law the Libertarian Party argued could prevent its candidates from getting on the ballot.

Libertarians sued Secretary of State William Gardner last year, challenging new limits on how long parties have to collect signatures to petition their way onto the ballot. State law requires a third party to collect signatures equal to 3 percent of the total votes cast during the prior election. Under the change, parties cannot begin gathering signatures until Jan. 1 of the election year.

In a ruling Thursday, U.S. District Court Judge Paul Barbadoro said the law creates reasonable restrictions justified by the state's interest in requiring parties to demonstrate a sufficient level of support.

"Reasonable minds can and do disagree about the wisdom of this country's present two-party political structure, and there is little question that, for better or worse, (this law) promotes that structure to at least some degree by making it marginally more difficult for third parties to gain ballot access in [N.H.]," he wrote.

But the law does not impose a severe burden on ballot access, he said, and is therefore constitutional.

In 2012, the Libertarian Party ran candidates for president, vice president, congressional seats, and several state-level seats after collecting the necessary signatures. But it began the collection process in 2011.

For the 2016 election, it would need to collect 14,864

signatures. Represented by the New Hampshire Civil Liberties Union, the party argued that the window for collecting signatures is even shorter than what the law specifies, given New Hampshire's harsh winters.

Barbadoro was unpersuaded. He said snowstorms and bitter cold may limit petition gathering, but the party could use that time for fund-raising and volunteer recruitment.

Libertarians also argued that the time limit effectively prevents the party from meaningfully participating in the

"There is little question that, for better or worse, (this law) promotes this country's present two-party political structure."

—Judge Barbadoro

general election because it would have to use its limited resources on collecting signatures instead of campaigning and fund-raising.

Barbadoro said the major parties face a similar obstacle when they have to focus on primary elections.

"The challenge that political parties of all sizes face to manage multiple tasks at once, even in an election year—is to both walk and chew gum, so to speak—is a simple and essential fact of American political life, not cause for heightened constitutional scrutiny," he wrote.

Gilles Bissonnette, legal director of the New Hampshire ACLU, said the party is considering an appeal.

"This law limits voter choice and stacks the deck against candidates who—like roughly 40 percent of Granite Staters—don't belong to a major party," he said. •

This story also appeared in The Republic, S.F. Gate, New Jersey Herald, Daily Journal, Nashua Telegraph, and MySanAntonio.



Florida's marijuana regulation initiatives

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too much regulation. With excessive regulations come special interests, cronyism, and regulatory capture.

"2. If this is to be a stepping stone for further deregulation then this amendment will have to be repealed. Once cronyism is entrenched it will be practically impossible to repeal this amendment.

"3. If this amendment is the end-goal of a legalization movement then I must oppose it on principle. As a Libertarian, I can't advocate for establishing restrictive regulations such as outlined in this amendment."

Adrian Wyllie added, "I believe that the LPF should promote all three initiatives, without specifically endorsing or financially committing to any. Once we know which amendment(s) will be on the ballot, if any, we should then

decide which we will officially endorse. In the meantime, we should also continue all efforts in the state legislature to completely legalize cannabis. This is a battle that must continue on many fronts, including the battle for public opinion. We must continue to work closely with all of our allies."

The cannabis industry in Florida would rapidly turn into a multi-billion industry while reducing the taxpayer expense Florida spends on arresting and incarcerating individuals. These individuals have done nothing but participate in an industry which relies on the Law of Supply and Demand. Re-legalizing this multi-billion dollar underground industry would bring it out of the shadows and eliminate its mystique. Other states that have done the same have seen large benefits in doing so. •