

LIBERTY PLEDGE

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newsletter

BATTLE FOR BALLOT ACCESS ...

Three state LPs go to court to get candidates on ballot

Libertarians in three states are turning up the legal heat against state governments that have denied them access to the ballot.

■ In West Virginia, the LP won an injunction in federal court on December 22 barring the state from enforcing a law that makes it more difficult to get voters to sign ballot access petitions for third-party candidates. The law prohibits residents who sign such a petition from voting in the state's primary election.

On December 5, LP State Chair Richard Kerr and would-be gubernatorial candidate Simon McClure testified in federal court against the provision.

According to ballot access expert Richard Winger, the injunction makes it likely that the LP will win the case outright -- and that the legislature might repeal the law.

■ In Maryland, the state LP filed a lawsuit on December 1 against the State Board of Elections (SBE), charging that it improperly invalidated 4,000 of the 11,675 ballot access petitions the party filed in October.

"The signatures [were] disqualified because some voters neglected to include the year -- even though it can be proved that all signatures were gathered in 2003," said national LP Ballot Access Coordinator Bill Redpath.

The lawsuit asks the SBE to send the invalidated signatures to local boards of elections to determine if they are valid, or to reimburse the LP \$1 per rejected signature so it can hire petitioners to gather new signatures.

■ In Ohio, the LP filed a lawsuit in federal court on January 6 against Secretary of State Ken Blackwell, who rejected more than 57,000 ballot access petitions submitted by Libertarians. The suit says that by throwing out the signatures on a technicality, Blackwell violated the First and Fourteenth amendment rights of Ohio Libertarians and voters.

Blackwell invalidated 57,150 Libertarian ballot access petitions, claiming the petition forms were illegal because a space had been added for signers to print their last names, and because a sentence about the legal penalty for falsification was slightly incorrect. But as the Ohio LP points out, the law specifying the legal penalty had been changed during the LP's petition drive.

EMINENT DOMAIN FIGHT...

Florida LP poll shows 92% oppose land seizure

Residents in Charlotte County, Florida don't like eminent domain. That's what Charlotte County LP Chair J.P. Gravell found out when he posted an online survey to measure local opinions about the proposed Murdock Village project.

As part of the controversial project, Charlotte County commissioners are planning to use eminent domain laws to seize property to give to developers to build a "town center" in Murdock Village. The development is slated to include a Main Street commercial center and upscale shops.

The Charlotte County government expects to spend about \$70 million to buy land, and will seize the rest from owners unwilling to sell.

However, Gravell's poll, which he posted at his real estate sales website, found that public opinion was overwhelmingly against the plan. The poll asks: "The Charlotte County Commission is buying up land for the Murdock Village Project. What is your opinion?"

As of January 7, 92 percent of respondents had a negative opinion. Of that number, 31 percent said it was an "immoral use" of eminent domain, 12 percent said the issue should have been put up for referendum, and 12 percent said it was an "illegal use" of taxpayers' money.

Only 8 percent said they approved of the plan.

Kubby 'stunned' by court ruling

Medical marijuana refugee and former California LP gubernatorial candidate Steve Kubby has been denied political asylum in Canada.

In a December 8 ruling, the Canadian Immigration and Refugee Board ruled that Kubby did not have reasonable grounds to "fear cruel and unusual punishment" in the United States. Now Kubby, who takes marijuana on doctor's orders to treat a rare form of adrenal cancer, may have to leave Canada within 30 days.

Kubby said: "We were just stunned when we saw the decision. These people seem determined to want to put me in a prison cell to see if I'm really telling the truth -- that I have a life and death medical need for medical cannabis."

Bradbury to name campaign finance panel

By Charles E. Beggs

SALEM - Secretary of State Bill Bradbury is creating a panel to propose ways to close loopholes in Oregon's campaign finance reporting laws.

One of those loopholes allows sources of donations to be concealed, Bradbury said. In announcing his plan Wednesday, Bradbury cited an example in which Republican Kevin Mannix's 2002 gubernatorial campaign received \$50,000 in one day from three businesses, all owned by the late Robert Randall, a Portland real estate developer.

The money flowed from Randall's businesses through political action committees and then to Mannix's campaign.

Because of that process, it wasn't apparent on official campaign finance reports that Randall was the donor because the contributions were listed as coming from the PACs.

Bradbury, the state's chief elections official, asked the attorney general's office to determine whether a law was broken that requires contributions be made in the name of the person who actually donated the money.

H. Robert Hamilton, a former assistant attorney general who conducted the investigation, said there was no violation because of an exception in the law for donations that move from one PAC treasurer to another. Mannix was treasurer of all the committees.

Bradbury said the example shows that while "the manner of contributions can be technically legal, the effect may undermine the goal of clear and complete disclosure."

That limits the ability of the public to follow the money, he said.

The Elections Division told Mannix in a letter Tuesday that it was dismissing the case.

"We fully complied with all the documentation requirements," Mannix said Wednesday. "It takes a lot of time with all the paperwork involved."

He said the public could more easily track campaign funding if electronic reporting was expanded.

"Things could be simplified across the board," he said.

The investigation was requested by Richard Burke, state **Libertarian Party** executive director and a campaign strategist for Tom Cox, the party's candidate for governor last year. Bradbury said he will name members of his panel soon.

He said he wants the group to look as well at such topics as the increasing number of PACs that are closely tied to candidates, the use of independent expenditures in campaigns and use of campaign money for personal purposes.

Bradbury said he will use the committee's recommendations to propose measures to the 2005 Legislature.

Attorney General Hardy Myers asked Hamilton to do the investigation to avoid the appearance of a conflict of interest since Mannix twice has run against Myers for attorney general.

(Left) The World Link.com (AP). Coos Bay, Oregon -- December 4, 2003

(Below) *Anchorage Daily News*, Anchorage, Alaska -- January 3, 2004

Anti-draft advisory vote on ballot in Alaska

By Anne Aurand

Voters in April can consider whether Anchorage men should be excused from registering for the federal military draft.

Scott Kohlhaas, Alaska **Libertarian Party** chairman, and supporters collected enough petition signatures to get the question on the April 6 ballot. Petitioners got about 10,000 signatures; the minimum necessary was 6,352.

Virtually all American males between 18 and 25 must sign up for Selective Service. The ballot initiative, if approved, would create a task force "to study the effects of" making Anchorage exempt.

The study would consider national security, government funding and other issues related to draft registration, Kohlhaas said.

The volunteer, appointed task force -- likely composed of military, government and citizen representatives, Kohlhaas said -- would report on its findings and conclusions and would figure out how to invoke a local exemption.

Anchorage's mayor would write a letter to the Selective Service saying that Anchorage residents disapprove of registration requirements.

Such exemptions haven't happened anywhere else, but Kohlhaas hopes a local anti-draft message will start in Anchorage and spread. The Libertarians hope Anchorage's election will kick off a national anti-draft movement.

"It's going to make us stronger in terms of an anti-draft movement," he said. "People against it are organizing. That's important."

Kohlhaas said Libertarians are planning a similar statewide ballot initiative for 2006. He said registration wastes money, considering the draft hasn't been used in 30 years.

"This is not anti-military at all. This is about the draft," he said. "We're encouraging the all-volunteer force."

A city attorney approved the language that will appear on the ballot. But, Mayor Mark Begich said, local laws allow almost anything on the ballot so long as it's an advisory; approving the initiative wouldn't change any laws.

The mayor said Kohlhaas really should be petitioning the congressional delegation since registration is a federal law.

Begich said he would not support using any city funds to help pay for the local study. If the initiative is approved, "we'd just forward election results over to the Selective Service. I'll pay for the stamp."

Debate on BCRA continues after court ruling

By Adam Cirucci

WEST CHESTER - Last week, the U.S. Supreme Court narrowly endorsed some of the broadest limits on campaign donations in more than 25 years. But the legal wrangling over campaign finance restrictions is far from over.

Justices John Paul Stevens and Sandra Day O'Connor, writing in a rare joint opinion, said they were "under no illusion that (the law) will be the last congressional statement on the matter. Money, like water, will always find an outlet. What problems will arise, and how Congress will respond, are concerns for another day."

Justices invited opponents of the law to return later with arguments that parts of the new campaign law, as applied, are unconstitutional.

But unless there is evidence of harm, the court said, the nation is better off with limits on the financial influence of wealthy donors even if money can never be divorced from politics.

Throughout Chester County, opinions were as divided as those of the high court. Barry Kauffman, executive director of Common Cause Pennsylvania, praised the ruling as a step forward in putting citizens before dollars.

"We will never get corruption completely out of government," Kauffman said. "But it finally puts some clamps on the role of money in our system. It is a major tool for democracy."

Arthur Farnsworth, treasurer of the Pennsylvania **Libertarian Party**, complained that the law hurts smaller parties, which lack a large pool of contributors and rely heavily on soft money.

"It seems to be an incumbent support program, under the guise of making it fair for all," he said. "Then again, this may be a sign that the powers that be are getting worried about the influence of smaller parties."

The 2002 campaign finance law, often known as "McCain-Feingold" -- for its chief Senate sponsors, Sens. John McCain, R-Ariz., and Russ Feingold, D-Wis., was the broadest reform since 1974, when President Ford signed a law creating the Federal Election Commission in the wake of the Watergate scandal. It limited individual and political action committee contributions to candidates to \$1,000 and \$5,000 per election, respectively.

"Soft money" is a term for money not subject to existing federal caps on the amount individuals may give and which is excluded from the old law that prohibits corporations and labor unions from making direct campaign donations.

Already, groups are forming to collect donations and spend money in ways not covered by the law. A lower court fight is under way over regulations that, law sponsors say, open loopholes in the law's restrictions on the large political contributions or soft money.

Feingold said the ruling could energize efforts for public financing of campaigns and requirements that television stations offer free air time.

"The whole ruling really helps further campaign finance legislation because it gets away from the irrational fear that doing anything about it gets into free speech problems," he said.

But U.S. Rep. Joseph R. Pitts, R-16th, of East Marlborough, disagreed.

"This ruling is an outrage. It limits dissent. It curtails debate. And it pre-empts the ability of citizens to speak out against incumbents during the election season," Pitts said.

(Left) *The Daily Local News*, Philadelphia, Pennsylvania -- December 17, 2003

(Below) *Stevens Point Journal*, Stevens Point, Wisconsin -- December 21, 2003

Third parties on the move

By Matt Conn

As the two-party system choices -- donkey or elephant -- dominate the political scene, Wisconsin's third-party leaders say they may not have the cash or clout of a major party -- yet -- but they have a voice. And that voice is growing through voter dissatisfaction.

"We're on the move," said Ed Thompson, **Libertarian Party** of Wisconsin chairman. "There's a deep, deep, deep need for another voice, and I think that's what people are looking for and what we're trying to meet."

The Libertarian Party's state numbers have doubled since last year's midterm elections to about 600 paying members, he said. Pulling from both major parties, Thompson received 185,000 votes in 2002's gubernatorial race.

"That's a tremendous amount of people saying we don't like either party," he said.

The Libertarians emphasize individual liberty, a free market economy, and foreign policy of nonintervention, according to the party introduction. A presidential candidate will be chosen during the national convention May 27-31 in Atlanta, Ga.

The Green Party is also on the move, especially in Portage County, where voters will see four Greens on the ballot in the spring elections. The party works locally, but its grass-roots expansion strategy influences the national scene, said Doug Stingle, a coordinating council member for the 7th Congressional District.

The Green Party is based on four pillars: ecological wisdom, social justice, grass-roots democracy, and nonviolence. The national convention to choose a presidential candidate will be June 23-28 in Milwaukee. So far, Nader isn't running.

Thompson supports anti-Patriot Act senator

By John Nichols

Ed Thompson, who won more than 10 percent of the vote as the **Libertarian Party** candidate for governor in 2002, and who remains a key player in the state's largest third party, is still grumbling about the "Republicrats."

He is not at all impressed with Democratic Gov. Jim Doyle or the Republicans who control both houses of the Legislature. But the brother of former Republican Gov. Tommy Thompson has found one major party politician he likes: U.S. Sen. Russ Feingold.

Appearing Monday on WTDY radio's "Sly in the Morning" program, Thompson criticized the Democratic senator's three major Republican challengers for failing to stand up for civil liberties and said he expects to vote for Feingold in November. The primary motivation for that vote, Thompson told talk radio host John "Sly" Sylvester, was his respect for Feingold's solo vote against the USA Patriot Act.

"I am going to vote for Russ Feingold," Thompson said when asked about the two-term senator's 2004 re-election bid. "He stood up on the Patriot Act. That puts him head and shoulders above everyone else in the Senate. And for that alone he gets my vote."

The ACLU and other groups complained at the time the bill was being considered by Congress that it exploited fears about terrorism in order to undermine constitutional protections. Yet when the Senate considered the measure, only Feingold cast a dissenting vote.

That impressed Thompson. "The Patriot Act is so incredibly wrong," he says. "It is such an invasion of our freedom. It goes against everything we stand for in this country."

Thompson said he was disappointed that the three Republican Senate candidates are trying to make an issue of Feingold's vote against the Patriot Act. "I think they should be praising Senator Feingold for what he did," the Tomah supper club owner said.

The affirmation from Thompson, who says he disagrees with Feingold on some other issues, recalls the supportive comments that Feingold says he has heard from many Republicans and independents over the past year at his listening sessions around the state.

When he met with The Capital Times editorial board last week, Feingold said he had been powerfully impressed by the breadth and depth of opposition to the Patriot Act in Wisconsin. "People are really angry about it, and that anger is not limited to one party or one ideology," Feingold said. "There is a lot of concern that this administration does not respect the constitutional protections that Wisconsinites take very seriously."

Thompson certainly shares that concern. Calling the Patriot Act "un-American" and "unpatriotic," he declared, "Whenever you give up freedom for security, you lose both."

(Left) *The Capital Times*, op-ed, Madison, Wisconsin -- January 6, 2004

(Below) *The Post-Standard*, Syracuse, New York -- December 9, 2003

Nolan focuses on the positive

By William LaRue

Gary Nolan remembers the difficulties he had as a Syracuse radio talk host in the early 1990s debating **Libertarian Party** guests on his show.

Even though he was a dyed-in-the-wool Republican, Nolan says, he found himself agreeing with major threads of Libertarian views. This includes a belief that drug laws don't work, as well as support for smaller government, lower taxes, gun ownership and personal privacy.

So by the time he left WHEN- AM (620) in 1994 to host a national show on the USA Radio Network, the embers of his current campaign for the U.S. presidency were heating up.

"Things that happened to me in Syracuse started me on the way," Nolan says.

Nolan says he's running a campaign different from some of the other Libertarians in that he doesn't preach a negative outlook.

"I noticed from guests on my radio program that Libertarians were always talking about how bad things were. ... And I decided that was a terrible mistake on our part," he says. "If we want to get people, we have to do what other politicians do and that is talk about positive aspects of our campaign. No politician gets elected saying, 'Gee, the bottom's falling out.'"

Nolan quit his radio job to launch his Libertarian campaign. But Nolan says he's not fooling himself into thinking he has a chance of moving into the White House. The last Libertarian Party presidential candidate, Harry Browne, received just 370,000 votes in 2000.

Campaign fund-raising laws give such an overwhelming advantage to the two major parties that they pretty much eliminate the chance of a third party winning the presidency, Nolan says.

But a strong candidate is still important in helping Libertarian candidates in state and local offices, he says. The party estimates its enrolled members hold about 590 elected and appointed offices around the country.

And Nolan says he believes strong Libertarian messages from its top candidate could influence the next presidential race. He says President Bush has upset some of his own supporters who disagree with his policies in the Mideast and increased government spending back home.

"I think we can actually get George Bush out of office and send a clear message to the Republicans that, if they are going to be the party of small government, they need to start doing it," he says.