



LIBERTY PLEDGE NEWSLETTER

Published exclusively for members of the Libertarian Party's Monthly Pledge Program

DECEMBER 1989

LP's 1990 Budget Nears Half-Million Dollars

Members of the Libertarian National Committee approved a 1990 budget of \$497,000 at its recent meeting, giving major budget boosts to outreach activities, public relations and media affairs, and servicing state and local parties.

Details on the 1990 budget and other actions taken at the National Committee meeting will be included in the upcoming issue of LP News; however, as a sneak preview for Liberty Pledge members, some of the highlights follow:

- **LP News will begin publishing monthly**, effective immediately. In addition, to insure more timely delivery of LP News, the publication will be mailed 2nd class (approx. one week delivery time), as opposed to the previously used 3rd class (up to a month delivery time). Making LP News a more timely publication will allow us to focus more on current affairs, offering libertarian analysis of current political issues and, hopefully, inspiring more Libertarians to become active on these issues.

- **The LP Headquarters staff is adding two new positions**, a mail room manager and a mailroom assistant/bookeeper. These positions were added based on expectations of a large increase in incoming mail. There are currently mailings out to three different lists.

- **The College Program received \$10,000 in the 1990 budget** to fund organizing swings, continue literature distribution (Project "Care Package"), and fund college newspaper advertisements.

- **The Advertising and Public Relations Committee** (one of several self-funded committees) **has produced five new advertisements**

which will be available in assorted sizes for Libertarians to use. In addition, the committee will be producing two television advertisements by the end of March. The National Committee approved funding in the 1990 budget to test-market these ads when complete.

- **The NatCom budgeted \$50,000 to the Affiliate Parties Committee.** This will include funding for Campaign '90 activities, literature, and activist handbooks for use on the grassroots level. The Affiliate Parties Committee will also be hiring a number of coordinators for organizing swings through some of the states with the weakest Libertarian Party organizations, designed to strengthen these state parties.

- **The LP's Membership Committee** has been reinvigorated under the leadership of its new chairperson, Karen Allard of Washington. Ms. Allard presented an ambitious program to the national committee aimed at increasing LP membership.

Keep Those Clippings Coming!

Many thanks to the Libertarians around the country who have been sending us clippings. These are a much-appreciated supplement to our clipping service. We are particularly interested in libertarian op-ed columns, news articles covering Libertarian Party activities or of particular interest to Libertarians, and Letters-to-the-editor.

Obviously, we cannot use them all, but they are still appreciated, so keep them coming!

LIBERTARIAN PARTY NATIONAL HEADQUARTERS

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Libertarian Party, Ignored in Races, Has Own Remedy For City Ailments

BY WALTER SKOLD
New York City Tribune Staff

In separate interviews a candidate for mayor of New York City called for the end to the drug war and the eventual elimination of virtually all City agencies; a candidate for City Council president said that prostitution should be legalized and the subway system and jails should be turned over to private ownership; and a candidate for comptroller said public education should be run by a voucher system, and the City should "get tough" on juvenile criminals.

Most New York voters are probably not aware of the above candidates because "we've been continually ignored," said Clay Conrad, the Libertarian Party candidate, who wants to be the next president of the City Council.

"Our government has gotten out of control and we've been brainwashed by government officials and the media," claimed Libertarian mayoral candidate Warren Raum, "to think that when you don't have government doing out and helping every private group, it's radical and cruel."

"What we have now is radical and cruel," said Raum, an investment broker with Paine Webber.

"Republicans and Democrats are stale, and don't have the answers, so they sit there and go into each others' backyards," said Raum. "Libertarians aren't going to tell you that we are going to increase services while cutting taxes."

Raum said that cutting taxes is a major Libertarian objective "because taxes are suffocating, stifling and killing the incentive and desire to work, and making us a second class nation."

The Libertarian trio says their philosophy of government is the closest to that of America's founding fathers. If this is so, the founding fathers' offspring are not aware of that fact.

Vicki Kirkland, the candidate for comptroller who teaches visually impaired children in the South Bronx, said when she was gathering signatures for her petitions, people would say "you're not qualified because I haven't read about you."

The party only has 150 dues paying members in New York City, but Ron Paul, the Libertarian candidate, came in third with almost 500,000 votes in last year's presidential election. Also, many Libertarian proposals, especially the economic ones, sound like an early Ronald Reagan speech.

A New York under Libertarian leadership would be vastly different, and smaller, than what it is now. Even the candidates agree that their privatizing zeal would take effect gradually.

"You're looking at initiating a process" because presently "hundreds of thousands of people have been forced out on a tightrope," said Conrad, "and before you just pull away the safety net, you have to start inviting people off the rope."

Raum attacks the current system for "fostering a permanent underclass" and encouraging the "breakup of families" by giving poor families "disincentives to get out of welfare." He feels that, over time, probably 90 percent of all City government agencies should be abolished.

Conrad would sell all the City-owned vacant buildings as the first major step toward Libertarian nirvana. He claims that besides creating the housing crisis the "City is doing most" of the warehousing, but blaming it on the landlords.

According to Conrad, when the City sells its 50,000 or 60,000 buildings, this



MITSU YASUKAWA — SPECIAL TO THE NYC TRIBUNE
WARREN RAUM: The "City does most of the warehousing, but blames the landlords."

will cause a chain reaction of prosperity to erupt because of lower rents. If rent decreased, "the cost of doing business in New York would go down, and the real estate tax would be spread wider," reasons Conrad, "so you could lower taxes without a loss of income."

Then, the City "would start inviting businesses back and we would have more jobs here so people could get off the tightwire," he adds, "so we could pull back the safety nets which would allow taxes to go down even further."

Regulation is a synonym for stagnation in Libertarian vocabulary, so they are naturally opposed to the myriad of government regulations which they feel obstruct initiative.

"Many founders of huge department stores started out as street peddlers and turned themselves into millionaires," said Conrad. "Today, those people would be thrown into jail."

He thinks that the City should follow the lead of many Third World cities

“Taxes are suffocating, stifling and killing the incentive and desire to work.”

—Warren Raum

and turn vacant lots into open markets which would "create lots of jobs and opportunities" and would also be a tourist attraction.

Besides privatizing garbage collection, subways, social services and almost anything else that gets a penny from City coffers, mayor Raum would sell off the jails.

Raum advocates "putting prisoners to work to pay for their food and lodging," which would turn the prisons around "from a taxpayer expense and add to the GNP."

He said that prisoners should "be able to keep a little bit of what they earn for an incentive," and believes that such a punishment "would teach them skills and how to incorporate [them-

selves] into a capitalist system." Under a Libertarian regime, there would theoretically be a huge drop in crime because the use of drugs would be decriminalized.

The get-tough-on drugs slogan "is one of the best re-election plays there is," said Conrad, who thinks "the funds wasted on the war on drugs would be better spent improving educational opportunities."

"We pretend that the enemy is drugs" said Conrad, who believes that the real "enemy is that there are millions of people who feel they have been priced out of the economy and have no stake in reality."

Raum would also legalize prostitution because this "would clean it up, and the girls would be safer." Pointing to Nevada as an example, he says that legal prostitution would "decrease crime and unsightliness."

"Under the constitution, consenting adults have the right to do what they want," said Raum. "And as long as men want women and are willing to pay for it, there will always be a supply of women willing to give it."

There will still be crime under Libertarian rule. The three candidates do not promise a change in human nature and they agree that the criminal justice system is soft on criminals.

The system now gives the "impression that it is practically OK" to commit crime, said Conrad, who wants "minor assaults, which is a kind of contradiction of terms, to be dealt with the gravity they deserve."

"The first function of the law ought to be victim restitution," he said, and "the first debt that the criminal owes is to the victim, then society."

According to a position paper, Raum would "greatly reduce or eliminate plea bargaining, early parole and other activities that make a sham of our judicial system." Since drug-related crime would be "the need for soft sentences or abbreviated prison stays will be eliminated."

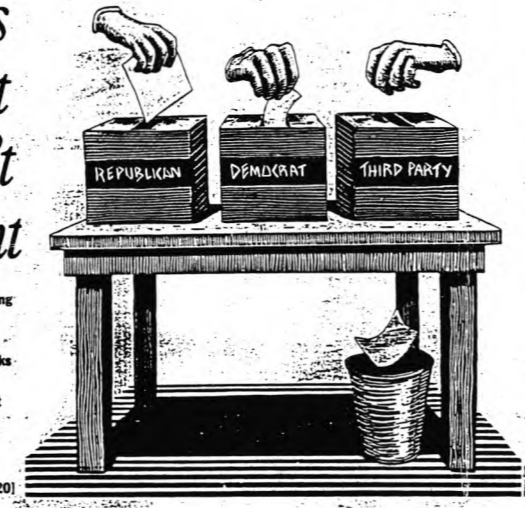
"I do think that we are sending a message to kids early on that nothing much will happen to them" if they commit crimes said Kirkland.

W A S H I N G T O N

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The Votes That Don't Count



Thinking about voting for a third-party candidate? Don't bother. The networks and the big newspapers don't want to count your ballot.

BY MARGARET FRIES [20]

Ex-Secretary of State Shultz joins in call for legalizing drugs

By Carolyn Skorneck
Associated Press

WASHINGTON — The conversion of former Secretary of State George P. Shultz has experts predicting others from across the political spectrum will join ranks with those who see decriminalization as a workable solution to the drug problem.

National drug control policy director William J. Bennett acknowledges that Shultz may draw others with him, but he argues that legalization is a "dopey idea" and a "moral disaster" that won't wash with anyone who has been "within five miles of a crack house."

Nevertheless, legalization proponents are trumpeting an October speech by Shultz that appeared in adapted form in the Wall Street Journal as a major step toward moving the once-radical viewpoint into the mainstream.

The political mix of legalization advocates is already broad. On the conservative side are Shultz, who headed President Reagan's State Department and President Nixon's Treasury Department, economist Milton Friedman and political commentator William F. Buckley. The liberal side includes Democratic Mayor Kurt Schmoke of Baltimore, a former prosecutor, Hodding Carter III, journalist and chief State Department spokesman in the Carter administration, and former Attorney General Ramsey Clark.

"The liberal-conservative definitions keep crumbling," Princeton University's Ethan Nadelmann said in an interview. "Each is split into libertarian and social control groups."

‘The liberal-conservative definitions keep crumbling. Each is split into libertarian and social control groups.’

—Ethan Nadelmann of Princeton University

Some legalization advocates say the issue simply needs to be addressed, while others call for controlled legalization with alcohol-like regulations for drugs such as marijuana, and more restrictive rules for more dangerous drugs.

Most say President Bush's anti-drug strategy, developed by Bennett, is more of the same law enforcement programs that have not worked in the past.

In an open letter to Bennett published in the Wall Street Journal on Sept. 7 — two days after Bush presented the strategy in a prime-time television address — Friedman wrote: "The path you propose of more police, more jails, use of the military in foreign countries, harsh penalties for drug users, and a whole panoply of repressive measures can only make a bad situation worse. The drug war cannot be won by

those tactics without undermining the human liberty and individual freedom that you and I cherish."

The column by Shultz — like Friedman, a denizen of the Hoover Institution at Stanford University — was less vitriolic, but made similar arguments.

"It seems to me we're not really going to get anywhere until we can take the criminality out of the drug business and the incentives for criminality out of it," Shultz wrote. "Frankly, the only way I can think of to accomplish this is to make it possible for addicts to buy drugs at some regulated place at a price that approximates their cost. ... We need at least to consider and examine forms of controlled legalization of drugs."

Shultz declined to be interviewed for this article.

White House spokesman Marlin Fitzwater, on hearing about Shultz's column, quipped, "Whoa, he's been out on the West Coast too long, hasn't he? The guy slips into retirement and right away he starts saying things that are strange."

Fitzwater then reiterated Bush's opposition to legalization, "that it is not a moral position for the United States to take; and that it makes no sense whatsoever."

Said Rep. Charles Rangel, D-N.Y., chairman of the House Select Committee on Narcotics Abuse and Control: "For eight years as secretary of state, George Shultz never said a word about drugs. ... No wonder drug control was not a foreign policy priority; Shultz did not and does not believe in it. Now we learn he wants to give up altogether."

School choice promoted

ALBANY — A Hillsboro man who is promoting a school-choice initiative he hopes to place on the 1990 ballot says competition is needed to improve public education.

Martin L. Buchanan, a Libertarian who ran for secretary of state in 1988, wants parents to be able to choose the schools their children attend.

The constitutional amendment proposed in his initiative would allow parents to enroll their children in public schools outside their district.

Parents also would have the option of sending their children to private, parochial or home school and receiving \$2,500 in tax credits per year per student, starting in 1992. After that, tax credits would be adjusted to reflect cost-of-living changes.

Buchanan, who was in Albany to promote his initiative, has until July 6, 1990, to obtain 84,770 signatures to place it on the ballot. He said he had gathered about 11,000 signatures.

Robert Crumpton, executive secretary of the Oregon Education Association, said the teachers' group opposed the initiative.

The Oregonian, Portland, OR, Nov. 15, 1989.

The Votes That Don't Count

The poohbahs at CBS, NBC, ABC, the AP, and UPI have decided that a ballot cast for anyone but a Republican or Democrat just isn't worth reporting.

BY MARGARET FRIES
Illustration by William Tinto

"Whatever is only almost true is quite false, and thus among the most dangerous of errors because, being so near truth, it is the more likely to lead astray."

—Henry Ward Beecher

As Election Night 1988 dragged on, the television networks' talking heads—Rather, Brokaw, and Jennings—groped for ways to put some drama into their reports. After all, George Herbert Walker Bush was clobbering Michael Dukakis in state after state. By 9:30 p.m., CBS, NBC, and ABC had declared Bush the winner, and as the tally for the two candidates rolled upwards on the networks' "big boards," the anchors occupied themselves by wondering aloud if Bush's landslide would rival that of Ronald Reagan over Jimmy Carter or Walter Mondale.

With all that dead air to fill, you'd think the anchors would have given a more complete accounting of the returns and informed their viewers of the nearly 900,000 votes cast for minor-party presidential candidates.

But the News Election Service (NES), the New York City-based company that counts the votes for the networks and the nation's two major wire services, the Associated Press (AP) and United Press International (UPI), did not provide CBS, NBC, and ABC with those minor-party candidate numbers. Nor did NES supply AP and UPI with the numbers. Not only did the major media fail to report the minor-party votes, they intentionally rounded off the results to indicate that 100 percent of the votes cast in the presidential, congressional, and gubernatorial races had gone to the Republican and Democratic candidates. Even when minor-party candidates captured a significant number of votes, the networks combined the totals of the Democrats and Republicans to come up with "100 percent."

By discarding the votes cast for "third-party" presidential candidates, NES gave the Bush and Dukakis tickets a "bonus" of about 1 percent of the

national popular vote. In some states, NES practices increased the percentage of popular votes for Bush and Dukakis by as much as 4 percent.

Half the redistributed minor-party presidential vote was for the Libertarian Party ticket of Ron Paul and Andre Marrou. Many minor-party candidates, running in Senate and House races, made even larger "donations" to their opponents' vote percentages. In most cases where a minor-party candidate was the only challenger to a Republican or Democrat, the "major"-party candidate was given a clean sweep by the media: The Democrat or Republican

was simply reported by NES as having run unopposed.

An outrage against democracy perpetrated by the media, you say? Votes cast that aren't counted by the press! Why, the networks and wires should fire NES! A grand idea, although firing NES wouldn't be very practical: You see, NES is a cooperative, jointly owned and operated by ABC, CBS, NBC, AP, and UPI. Well, then! The government should invoke the anti-trust laws and break up this anti-competitive monopoly! Another grand idea, except the government has already stepped in. More than 25 years ago it bestowed its blessing on NES, exempting the organization from the Sherman Antitrust Act.

Having secured the government's tacit approval to factor the minor-party candidates out of the vote tally, the three major networks and CNN are now negotiating to do away with the present competitive structure of conducting exit-polls of voters. If that happens, the reporting of election results and predictions will be concentrated in the hands of a few corporate media executives



(Concluded on back page)

Stealing for the arts

The recent controversy over funding for the National Endowment for the Arts misses the point. This is really not a question of art, censorship or the First Amendment to the U.S. Constitution. What's at issue is not under what conditions artists are entitled to grants, but, rather, why they, under any conditions, should be entitled to someone else's money.

What justification is there for forcing people to give up a portion of their earnings to pay for goods or services — in this case, art — that they don't want, don't understand, aren't interested in, find objectionable, or have no chance to use?

Artists concerned about First Amendment rights should seek private, voluntary funding or allow their art to stand on its own in the marketplace.

Then they won't have to worry about interference from politicians. Many excellent artists do just this. In fact, the vast majority of artists work independently of government.

However, some artists know that their work would make this impossible, either because it is so avant-

garde that only a few people are interested or even understand it, or because it is too expensive to produce, or because it is garbage.

They wrongly cry censorship when the system that allows them to further their own activities at someone else's expense is threatened.

The politician, whose only aim is to figure out what most people want to hear and then say it, avoids asking the real questions, hoping to offend no one and stir up as few people as possible.

Why is it all right to seize the fruits of an individual's labor and give it to someone else, as long as the thief is the government?

If government were held to the same moral standards that individuals are expected to live up to, funding for the National Endowment for the Arts would be voluntary.

People should have the option on their income tax form of indicating whether or not they want to contribute.

William J. Lolka
Deep River

Editor's note: The writer is secretary of the Libertarian Party of Connecticut.

Hartford Courant, Hartford, CT, Sept. 30, 1989.

The Votes That Don't Count

The federal government doesn't count votes; that duty falls to the states, which conduct all national elections and certify the results. The states feel little rush to provide immediate returns because of the monthlong lag between Election Day and the inauguration. To this day, the official tallies often aren't available for weeks or even months after a national election. For example, the official vote totals for the Virginia gubernatorial race weren't released until November 27.

As the republic grew, newspaper readers clamored for more immediate returns, and the wire services obliged them, competing fiercely to provide the earliest and most accurate reports of election returns. When radio and then television news debuted, they too relied on the AP and UPI counts of votes to augment their original reports.

By 1964, computers were gaining acceptance by news organizations for polling and election projections and many of the advanced polling techniques we take for granted today were still being developed. Editors knew the margin of error in tightly contested races and dreaded making the wrong call. They understood that,

in a close contest, a network ran a significant risk of declaring the losing candidate a winner. During the 1964 California presidential primary, the inevitable occurred.

From poll-closing time, and well into the next morning, Barry Goldwater and Nelson Rockefeller were both announced as the winner: Goldwater by CBS, Rockefeller by the Associated Press. On primary night, and well into the next morning's news, viewers of New York City's WCBS-TV (Channel 2) were treated to a real spectacle. WCBS, owned and operated by CBS, carried two authoritative but contradictory reports. As the CBS network feed continued to name Goldwater the winner, the local broadcast, taking its information from the AP wire, persisted in reporting Rockefeller the Republican victor.

Within days, representatives from the three networks and the two wire services met to work out the agreement that led to the creation of the News Election Service. In his book *In the Storm of the Eye*, former CBS News President Bill Leonard describes that assembly as marking the "end of the absurd competition among the major networks to collect votes." The NES overseers agreed to split the costs of the operation five ways and vowed not to compete with one another. Their pact was approved by the United States Justice Department's Antitrust Division.

"Certainly we will never again see the likes of those wild and woolly days of the '64 presidential primary," Leonard writes, "when armies of network reporters fanned out over every nook and cranny of the largest state in the Union.

"Amens," Brother Leonard concludes. Starting in the fall of 1964, and in every even-numbered year since, NES has gathered and reported for the major media the unofficial election results of presidential, congressional, and gubernatorial races, as well as selected primaries and state party caucuses. The information is transmitted from NES to its five owner/operators and to NES subscribers, such as Cable News Network (CNN), the newsmagazines, *The World Almanac and Book of Facts*, independent television and radio stations, and political science researchers throughout the country.

According to Robert Flaherty, NES executive director, the organization has only 14 full-time employees, but surges to 100,000 for presidential elections. NES reporters are positioned at polling places and county boards of elections throughout the country on Election Day. After the polls close, the local election officials begin to count ballots and release the returns. Each NES reporter is equipped with several printed forms to record a portion of the vote tally as it is made public. The reporters telephone these raw numbers to NES, where computers tabu-

late the information and calculate the percentage of the popular vote earned by each candidate. These "finished" results are then fed to the five parent organizations and NES subscribers. Within minutes, the formatted information is available for transmission to the public by the broadcast and print media, with updates following.

NES used to gather information on every presidential candidate on a state ballot, making the NES count of the popular vote as accurate as it could be. NES left it to the discretion of individual news directors and editors whether to list every candidate. Even when a news organization chose to delete minor-party candidates, the reports could easily include the correct vote percentages won by the major-party candidates.

NES's repudiation of complete coverage began in 1984, when it declined to gather votes for all minor-party presidential tickets except the Libertarians', the largest of the minor parties.

According to NES head Bob Flaherty, a "poor" showing by the Libertarian Party in the 1984 election caused the NES five-member board of managers to add the Libertarian Party to the ranks of the uncounted for the 1988 election. This, even though the 1988 campaign of Libertarian Party presidential candidate Ron Paul was on 46 state ballots. Also left out in the

could was New Alliance Party candidate for president Lenora Fulani, who won ballot status in every state. The upshot of NES's decision to exclude everyone but the donkeys and elephants was that a diligent news director or editor who subscribed to NES in 1988 and wanted to report the number or percentage of votes cast for minor-party candidates simply couldn't.

The networks weren't the only news-gatherers to stiff the minor-party candidates. The *Washington Post* announced in a November 12, 1988, AP story that the minor-party tallies were "incomplete" and that "final vote totals for minor-party candidates will not be available for weeks, pending state certification of the tallies." Based on the *Post* indexes for 1988 and early 1989, those final tallies were not printed in the *Post*.

Days before the 1988 election, Flaherty spoke candidly about NES's plans. How would NES report the vote percentages in a state where the Republican candidate got 55 percent, the Democrat got 35 percent, and a minor-party candidate got 10 percent? His response was that NES would report the two major-party candidates split the vote 60-40. Flaherty admitted that by failing to collect vote totals on minor parties (or to at least report the total vote cast), the percentages attributed to the reported candidates might be somewhat exaggerated. He was "not sure" whether NES

informed the user that the vote totals did not indicate the total votes cast, but merely reflected the total of the votes NES had chosen to collect.

Did he have any moral or ethical qualms about NES's reporting practices? Flaherty said he was "doing his job"—implementing the policy dictated by the NES board of managers. Flaherty declined to reveal the names of the board members.

According to court documents provided by NES in response to a lawsuit against it filed by the Populist Party (more on that later), all of NES's parent organizations "are represented" on the board. The choice of words will raise a flag for those familiar with the construction of contracts or statutes. These were carefully drawn pleadings, drafted by experienced media attorneys. Were the board made up exclusively (or even primarily) of representatives from the parent networks and wire services, then it would have been described just that way. The chosen construction indicates that, among the board members, one will find representatives of the parent organization.

A description that is neither inclusive nor exhaustive invites speculation. Who else might be sitting on the board of the News Election Service? Executives from subscriber news organizations? Officers of some boards of elections? A bipartisan contingent to represent "the two-party system"?

Flaherty says NES's purpose is "to provide an accurate set of unofficial election results" to all its subscribers as quickly as possible.

Both Flaherty and representatives of the three networks have claimed that excluding information on minor-party candidates has no significant impact on the accuracy of their reports. Thus, news organizations, reporters, and political scientists are led to believe NES is providing a reasonably accurate report of the votes cast.

There are some who will argue that misreporting by 1 percent (or 0.5 percent, or 3 percent) is not significantly inaccurate. But using the Libertarian Party's electoral campaigns as a case study, it's clear that NES's selective collecting practices do produce inaccuracies that are more than insignificant.

Libertarian Party candidates ran for House and/or Senate seats in every state in 1988. All of Alabama's seven congressional districts had a Libertarian on the ballot. In Alabama, NES factored out the Libertarian in the three-way races against Republicans and Democrats in Districts 1, 5, 6, and 7. In Districts 2, 3, and 4, where the Libertarian Party candidate presented the only challenge to the incumbent, NES not only failed to acknowledge the challengers' presence but reported the incumbent as "unopposed." So much for the approximately 40,000 voters (representing between 6 percent and 10 percent of the vote in each of those districts) who cast their ballots for Libertarians Jerome Shock-

ley, John Sebastian, or Joel Brook King.

There were 17 Libertarian Party candidates for the U.S. Senate in 1988. No Libertarian Party senatorial candidates were listed by NES. More than 100 Libertarian candidates ran for the House of Representatives. Due to the vagaries of the NES system, six were ultimately listed by the service. (Two other LP candidates were listed, but were identified as members of other parties.)

In October 1988, NES's selective policy was publicized in a *Democrat* op-ed piece by Libertarian Party member Jon Baraga. In its wake, a number of supporters of minor-party candidates went to work on the media and media advertisers, denouncing the new policy. On the local level, regional reporters and news-gathering organizations were alerted to the policy by minor-party activists. The results were mixed.

The major sponsors, AT&T and Xerox, while privately expressing their regret, refused to take any action, either publicly or directly. Only a minor sponsor, the Kinko's copy service chain, protested. In letters to the presidents of the three networks, Kinko's Chairman Paul Orfalea condemned the NES plan as "an act of deliberate misrepresentation," adding "we at Kinko's do not want to be a party to it." Stating that he failed to see how reporting all the numbers would constitute a hardship on NES, he concluded by reminding the networks that "the election reporting process should be

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free from any hint of bias or inaccuracy, and should be presented to television audiences as factually and completely as possible."

Some local government entities refused to get involved, while others rose to publicly condemn the policy. The office of the New York State Commissioner of Elections said it had nothing to do with how the media reported the vote. The Denver County Board of Elections, in an October 20 public resolution, called the policy "a serious and grievous abridgment of individual and human rights [that] must not be tolerated in a free society."

Although the resolution urged "every election official and every citizen in America to join us in condemning each of these organizations for their part in this deception," the response was underwhelming. This was, no doubt, at least partly due to the inability to publicize the issue. After all, when one has unfavorable information about the major networks and wire services, to whom does one issue a news release? Would the AP be eager to put a story out on the wire concerning its own duplicity? Would Dan Rather be inclined to broadcast a story critical of CBS?

Few major newspapers carried much on NES's policy. The *Wall Street Journal* touched on the subject in a November 2 op-ed piece by Richard Winger. Marshall Fritz, president of Advocates for Self-Government, managed to get "hard" news coverage of the situation in the *Fresno Bee*. A few local newspapers published some short pieces.

The most outspoken editorial appeared in the *Orange County Register*, labeling the selective coverage of election returns "a truly Orwellian move." The editorial, reprinted in several other dailies, asked, "Do you have any idea how many votes Libertarian Party candidate Ron Paul or New Alliance Party candidate Lenora Fulani got nationwide? Neither do we...." The editorial concluded by wondering if "our media [are] so complacent and lazy, so happy to get tax-payer funded advertising from the major parties, that they consider it their duty to suppress any news of divergence from the ruling hegemony?"

Silvia Benitez of the New Jersey Populist Party took legal action against NES in the waning days of Campaign 1988 with a lawsuit the single-handedly assembled against NES and the networks over the proposed Election Night coverage plans. The suit, an unorthodox and confusing document because Benitez filed it without the aid of an attorney, asked for a court order compelling NES and its par-

ent organizations to report all the election results and to report them accurately. Implied in such an order would be a requirement for the NES participants to abstain from disseminating any results if they could not report in compliance with the court's order.

The petition was to be filed in the U.S. District Court of New Jersey, on behalf of the New Jersey Populist Party and the Ron Paul for President Campaign Committee, but the Ron Paul campaign withdrew from the complaint. The complaint recited the well-documented facts surrounding the NES's election coverage plans, along with several somewhat vague and unsupported allegations regarding a network conspiracy to change official vote totals. This was allegedly to be accomplished by means of computers and telephone lines. The plaintiff requested both monetary damages and injunctive relief.

The courts have traditionally refused to order defendants to either say—or refrain from saying—a particular thing before the fact. Even when the plan is to publish purloined government documents, as it was in the celebrated *Pentagon Papers* case, the courts have been unwilling to grant such relief. Rooted in the First Amendment, the reluctance to order prior restraint has been, perhaps, the most consistently upheld interpretation of any portion of the Bill of Rights.

The request for an injunction was, not sur-

prisingly, denied. The suit for damages, however, remained, and the plaintiffs dropped allegations of tampering with the official vote. Unfortunately, pursuing what would amount to a major suit in federal court, even on a shoestring, required experienced legal counsel and some money for expenses. Without support from other minor parties—the New York State Right to Life Party, the New Alliance Party, and the Libertarian Party—the suit was finally dropped in October 1989.

It shouldn't take a lawsuit to convince NES's corporate fathers that it has created a Frankenstein. Elections are vital barometers of dissent as well as consensus, and democracy is not well served when the media report incomplete election results. "In a real sense the NES choice determines who are the 'serious' candidates and who are not," wrote political scientists Paul L. Hain and James Brown. "The NES reporting system is, in its own way, one more important factor among many which bias the American political system in favor of the established contenders."

There is nothing to prevent the NES board of governors from reversing their stand and including minor-party candidates in the reports. As Election Night 1992 drags on, Rather, Brokaw, and Jennings should be given the option of reporting all the votes, not just those cast for George Herbert Walker Bush and his Democratic opponent. CP