

LIBERTY PLEDGE

newsletter

Libertarian National Committee, Inc. ♦ 2600 Virginia Ave, NW, Suite 100
Washington DC 20037 ♦ Phone: (202) 333-0008 ♦ Fax: (202) 333-0072

FEBRUARY 1999

SURPRISING NEWS ...

Post features LP members

The *Washington Post* is usually a Libertarian-free zone, but not this past month: Two major articles about Libertarian Party members have appeared in the notoriously liberal newspaper.

On February 8, the *Post* featured a front-page story about the growing jury nullification movement, focusing specifically on the Fully Informed Jury Association and its Libertarian founder, Larry Dodge.

The article noted that the FIJA movement is being partly driven by "libertarians who abhor the overbearing hand of government," and is catching on "in courthouses across the country."

And on January 30, the *Post's* business section displayed a prominent photograph of LP member Michael Tanner — with a story describing his work at the Cato Institute to privatize Social Security.

Although labeling some of the Cato Institute's ideas as "just this side of zany," the *Post* acknowledged that the influential, non-partisan think tank's relentless campaign for replacing the government's faltering Social Security system with private accounts was finally paying off.

The LP said the *Post's* coverage is surprising — and heartening.

"If even the *Washington Post* realizes that Libertarians have a major impact on public policy, that's a breakthrough," said LP Communications Director Bill Winter.

NEWS BRIEFS ...

TOLEDO LIBERTARIANS MULL RECALL OF MAYOR

Libertarians in Toledo, Ohio are weighing whether to launch a recall drive against the city's mayor, who is trying to sharply curtail local citizens' Second Amendment rights.

Libertarians **Galen Fries**, **Dr. LeRoy Lloyd**, and **Duane Arquette** are floating a trial recall petition, and trying to decide if there is widespread public interest in a recall effort.

The petition charges that Mayor Carleton Finkbeiner is "pursuing legislation of gun control that is bluntly unconstitutional" — including proposals to require handgun registration and to allow prosecution if children gain access to guns without trigger locks. Libertarians charged that the proposals would result in litigation that could cost the city millions of dollars, and would "make criminals out of ordinary, law-abiding citizens."

LP STARTS DEFENDYOURPRIVACY.COM WEBSITE

Hoping to drive an e-mail spike into the heart of the FDIC's "Know Your Customer" law, the Libertarian Party has launched an Internet campaign to stir up public outrage about the "bank spying" proposal.

On February 17, the LP sent an e-mail letter to the 10,000 people on its e-mail announcement list, asking them to send an attached anti-Know Your Customer message to friends and family.

It directed people to a new website, www.DefendYourPrivacy.com, where they can sign an electronic petition, send a comment to the FDIC, and get more information about Know Your Customer.

"We're trying to generate a chain reaction," said LP National Director **Steve Dasbach**. "If it works, we could generate tens of thousands of comments against this regulation — perhaps enough to stop it in its tracks."

Under the Know Your Customer rule, banks would be required to learn where you get your money and report all "suspicious" transactions to the federal government. The FDIC's public comment period ends on March 8.

NJ LIBERTARIANS GET \$12,500 SETTLEMENT

In April 1996, Libertarians **John Paff** and **Timothy Konek** handed out "Million Dollar Bills" during a Tax Day protest. In February 1999, they were handed a check for \$12,500 from the East Brunswick township government for falsely arresting them during that protest.

The money was a settlement for a federal civil rights lawsuit filed by Paff and Konek, charging that police had illegally arrested them while exercising their Constitutional rights of free speech at a legitimate political protest. A federal judge agreed, and ordered the township to pay the New Jersey Libertarians \$12,500 in damages, plus \$25,000 in lawyers fees.

"I'm glad the judge ruled in our favor, but I'm sorry that the taxpayers have to pay," said Paff, chairman of the Somerset & Middlesex Counties LP.

EDITORIALS

Outrage in law

Steven Kubby, the Libertarian Party candidate for governor last year and an acknowledged medical marijuana patient, and his wife Michele were arrested Tuesday and charged with possession of marijuana for sales and cultivation, and conspiracy.

About 300 plants were confiscated with street value estimated at \$420,000, according to Lt. Mike Allen of the North Tahoe Task Force.

The arrest, which followed a six-month investigation, raises yet again the question of whether Proposition 215 will ever be implemented properly in California. It would be helpful to hear more from Attorney General Bill Lockyer, who campaigned as a supporter of the rights of medical marijuana patients and could do a great deal to ensure compassionate and uniform enforcement of the law.

The law — Section 11362.5 of the Health and Safety Code — exempts patients with an authorization from a licensed physician and “primary caregivers” from the laws against possession, cultivation and use of marijuana. Selling, transporting and distributing marijuana are still illegal under state law, although appeals court decisions suggest the necessity of some leeway for patients and caregivers. So far no court has determined exactly how much leeway will be allowed and the state has not issued guidelines.

Mr. Kubby and his wife are patients who say they have authorization from licensed physicians and who acknowledge they grow marijuana plants in their basement for their use but deny they distribute to anyone. They were rousted from their home in North Lake Tahoe Tuesday evening by a dozen members of the North Tahoe Narcotics Task Force and taken to the Placer County Jail in Auburn. Their bail, Mr. Kubby said, was set at \$100,000 each and they were denied access to marijuana while in jail.

This is of great concern to those who know the couple. Mr. Kubby, 52, has malignant pheochromocytoma, or terminal adrenal cancer. Without med-

ication, he says, his blood pressure “spikes” to dangerous levels. When we talked to him from jail yesterday afternoon he told us he had had three episodes of high blood pressure and was concerned that he might have a stroke. Marijuana works for Mr. Kubby better than conventional medications, and his doctor has authorized it. (The Kubbys’ attorney, Dale Wood, told us he didn’t know what Michele’s medical condition is, but that she does have a physician’s recommendation.)

Mr. Wood said the local sheriff’s department has refused to provide Mr. Kubby any marijuana while he is in jail. Such a decision is outrageous. But it highlights the need to develop guidelines for the implementation of Prop. 215, a responsibility the previous attorney general shirked.

The real outrage is that Mr. Kubby was arrested at all, if all that he says is true. As Robert Raich, an attorney who is a member of the city of Oakland’s medical marijuana working group, told us, “I can’t think of anybody to whom Prop. 215 more directly applies than Steve Kubby. He has a physician’s authorization and he was growing only for his and his wife’s personal medical use. It’s troubling that he won’t have access to his medicine while in jail, but it’s even more troubling that he is in jail at all. Prop. 215 was written to keep patients out of jail.”

Bill Lockyer’s press representative, Hilary McLean, told us that the attorney general’s policy is usually not to intervene in local decisions on prosecution and she knew of no plans to intervene in Mr. Kubby’s case.

It should be the attorney general’s job to make sure that law enforcement officials abide by the statewide law. California voters passed Prop. 215 more than two years ago.

The proposition itself hasn’t been challenged in court and has not been overturned — although various law enforcement agencies have nibbled at its edges in the way they have treated patients.

It’s time for law enforcement and the courts to respect that law.

Libertarian to run for Adams Co. commissioner

By ROBERT REILLY
Evening Sun Reporter

A Hamiltonban Township Libertarian has announced his candidacy for Adams County Commissioner.

Charles H. Knepper Jr. said he has major differences of opinion with the current commissioners (Democrats Thomas Weaver and Harry Stokes and Republican Thomas Collins), calling them “yes men (that) don’t say no to anybody.”

Knepper says he will push for the county to sell its nursing home and put its residents into private care facilities, which he said could save taxpayers about \$2 million.

He also opposes the county’s plan to exercise its power of eminent domain over a 182-acre farm off Granite Station Road for a proposed county composting facility.

If such a facility was needed, private industry would have already gotten involved, Knepper said, adding that in both cases, the county is putting itself in competition with pri-

vate industry.

This runs contrary to Knepper’s Libertarian beliefs, he said, because the average citizen should have the liberty to do largely as he or she wishes, without government interference, as long as his or her actions do not infringe on someone else’s rights.

“The Libertarian Party is the party of principle. We don’t change our platform every four years like the Republicans and the Democrats,” Knepper said.

Born in Franklin County, Knepper spent 19 years in the U.S. Air Force, where he served as a telecommunications supervisor and public affairs officer before his retirement in 1995.

A South Mountain area resident since 1994, Knepper has never held elected office. He is a member of the National Rifle Association, the American Legion and serves as vice chairman of the Adams County Libertarian Party.

Knepper expects other Libertarians to challenge him for the party’s nomination in the May primary. The general election will take place Nov. 2.

◀ *The Orange County Register*
Santa Ana, California, January 21, 1999

▲ *The Evening Sun*
Hanover, Pennsylvania, January 6, 1999

▼ *The Tennessean*
Nashville, Tennessee, December 23, 1998

Sumner County residents form Libertarian chapter

By ALBERT DITTES
State Correspondent

HENDERSONVILLE — Saying government has no right to interfere in the peaceful practice of the people, some former Democrats and Republicans have organized a new political party in Sumner County.

Calling themselves Libertarians, they are now officially a chapter of the national party.

“We have 10 active members and are growing,” said J.L. Culp, chair-

man and an electronics supervisor at Office Max. “We have a good mix of all ages.”

The organizers are in their late 20s and early 30s. Two of the members are in their 50s and 60s.

Officers are J.L. Culp, chairman; Richard Coker, vice chairman; and J. Henry Coffey, secretary-treasurer. All the officers live in Hendersonville, but Culp said some participants come from as far away as Springfield.

“We have a good concentration in

Hendersonville and hope to attract some from the community college in Gallatin.”

Culp said the Libertarian philosophy opposes “victimless crime” by wasting tax dollars to fight crimes they believe have no victims, such as the war on drugs.

“I support strict penalties for crimes with victims, such as if someone robs and kills a person to raise money for drug taking,” said Culp. “I would punish them with the strictest letter of the law instead of

letting rapists and robbers out after seven years. But some people get 15 years in prison for just selling drugs. That is actually happening.”

Culp said the Libertarian Party had its roots in the Nixon Administration, when the draft was an issue.

“I am a former Republican as are some of the others, but we also appeal to Democrats,” he said. “We take stands on social liberties. We oppose religion in public schools but think it’s okay in private schools.”

Culp said the government is dis-

couraging private schools and should get out of education completely, to the point of reducing taxes earmarked for schools.

“I think government should remove the burden of school taxes from those not responsible for the education of children because it doesn’t know how to educate children,” he said.

Culp said the local Libertarian party plans to run candidates for office, probably starting at the alderman and county commissioner

level. Those interested in joining the Libertarian Party are invited to its next meeting on Jan. 14, at 7:30 p.m. at Loco Lupe’s restaurant in Gallatin.

“Come for good food, good conversation and a little bit of politics,” Culp said. “We need more people to start thinking for themselves.”

For more information, call J.L. Culp at 822-4548 or consult the party’s Web page at www.midtn.com/lpsc. ■

It's their party

Libertarians plan to become the first political party recognized under Maryland's new ballot access laws today when they submit 13,000 signatures to the state's election board in Annapolis.

To gain official party status in Maryland, which conveys the right to put candidates on the ballot, a minority or "third" party must submit 10,000 signatures on a petition supporting its recognition.

That requirement was also in the old law, but the new law has made it easier for parties to retain state recognition. Under the new law, once the state recognizes the party it keeps that status through the next statewide election year. After that, the party must claim 1 percent of the state's registered voters or 1 percent of the vote in the gubernatorial election. The old law, considered one of the most daunting ballot access measures in the nation, required 3 percent.

In 1996, the last year the Libertarian Party was recognized in Maryland, it claimed 6,000 registered voters. It is likely to need more than 26,000 voters to keep its status after 2002. Chairman **Steven E. Boone** said the party plans an aggressive registration campaign to do so.

Libertarians advocate smaller government and less government interference in people's lives.

Smokers' rights

Libertarians upset at proposed county-building ban

By **ALAN JULIAN**

Courier staff writer
464-7458 or ajulian@evansville.net

Dan Steward says he joined the Libertarian Party because he thinks government is intruding on personal freedoms. An example of that, Steward says, is the proposed smoking ban in county-owned buildings.

Steward and other members of the fledgling Libertarian Party pledge to circulate fliers and speak out against the ban.

"We're not saying we want to run through the building smoking anywhere we want," said Steward. "We just want an area set aside for us."

City government banned smoking in its share of the Civic Center earlier this year. Now, county government is crafting a similar ordinance. Included in the county's ban would be the Civic Center complex and the Auditorium and Convention Centre when the renovated facility reopens.

Exceptions being discussed include certain designated rental cabins at Burdette Park and the large workshop at the County Garage.

Commissioners said they were studying the ban because of concern over the harmful effects second-hand smoke could have on

county workers and the public. A \$10 fine would be imposed on violators. County Attorney Joe Harrison Jr. said hearings on the ordinance are expected Feb. 1 and 8.

Commissioners President Bettye Lou Jerrel said the ordinance is still in the "working" stage, but she supports a complete ban on smoking in the Civic Center. She said designated areas create problems for the public and non-smoking county employees alike.

"If you put them (designated smoking areas) in the break rooms, then you really force the public to breathe the smoke," she said. The same thing happens in rest rooms.

Earlier this year, a similar smoking ban was passed by City Council. It prohibits smoking in city government offices at the Civic Center. Libertarians were among the pro-smoking groups that argued against the city ordinance.

Brian Majors, who also belongs to the local Libertarian Party, said smokers shouldn't be forced to go outdoors to light up.

"I recognize that cigarette smoke stinks. ... It may even be nauseating to some," said Majors, who is himself a smoker. "But we basically feel it's not right to ostracize smokers. We think there should be designated areas to smoke."

▲ *The Evansville Courier*, Evansville, Indiana, December 23, 1998

◀ *The Washington Times*, Washington DC, January 6, 1999

Banks spying on their customers

► *The Clayton News/Daily Jonesboro, Georgia, January 10, 1999*

A new government directive will force banks to spy on their customers and report any "unusual transactions" to federal investigators.

Under the so-called Know Your Customer rule, bank tellers can quiz you about where you got your money and how you plan to spend it. And if your answers sound suspicious, they can report you to federal law enforcement agencies.

This new regulation will turn your local bank into a branch of the federal government's civilian surveillance apparatus. It's the ultimate invasion of your financial privacy.



Steve Dasbach
COLUMNIST

The Know Your Customer law has been proposed by the Federal Deposit Insurance Corporation and is scheduled to go into effect on April 1.

It will require banks and other financial institutions to develop customer profiles, monitor bank transactions, and report to the government any large cash deposits or withdrawals.

Since "unusual activity" could include depositing a Christmas bonus or inheritance, or withdrawing money to buy a house or car, ordinary Americans could find themselves trying to prove to agents from the FBI, the Internal Revenue Service, or the Drug Enforcement Agency that they are not drug dealers or money launderers.

This law would turn every bank teller into a government informer and everyone with a bank account into a criminal suspect.

The Libertarian Party opposes the Know Your Customer regula-

tion for numerous reasons.

- Your banking habits are none of the government's business.

In a free society, the government has no business even asking where innocent Americans get their money or how they spend it, much less coercing businesses into secretly monitoring your bank account.

- It's an illegal, warrantless search that violates the Fourth Amendment.

Monitoring every bank account to check for laundered money is no different from pulling over every driver just in case some are intoxicated, or searching every home to check for stolen goods. It is unconstitutional – plain and simple.

- It could subject your money to asset forfeiture.

If you can't immediately prove you're not a criminal, the government could seize your money under asset forfeiture laws.

Instead of being the safest place

to store your money, banks could become the most dangerous place – since Uncle Sam's bank robbers can seize it at will.

We need to flood the FDIC with letters, faxes, and e-mails demanding an end to Big Brother Banking. Americans need to launch a Know Your Constitution program – to remind these federal bureaucrats that they have no right violating our privacy and dignity this way.

To comment on the Know Your Customer regulation, write: Robert E. Feldman, Executive Secretary, Attn: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429. Or fax: (202) 898-3838. Or e-mail: comments@FDIC.gov.

Steve Dasbach is national director of the Libertarian Party.

Moms and manners

Cursing in public may be offensive, says the Libertarian Party, but it shouldn't be a crime — and it shouldn't land a man in jail.

"America doesn't need the 'cursing police' to wash our mouth out with government soap," said Steve Dasbach, national director of the Libertarian Party in Washington.

He alerts Inside the Beltway to the case involving a Michigan man who tumbled out of his canoe on the Rifle River and let loose with what police call a "three-minute profanity tirade."

Because a woman and her two young children were within earshot, Timothy Boomer, 24, was arrested under an archaic 1897 Michigan law that prohibits cursing in front of women and children.

The American Civil Liberties Union is defending Mr. Boomer, arguing that cursing is constitutionally protected speech.

"This is a classic case where we must defend someone whose actions we may not personally approve of," said Mr. Dasbach. "However, there is a big difference between being a jerk and being a criminal.

"The last thing Americans should want is a government, at any level, that acts like Miss Manners with a gun," he said.

"The state of Michigan should keep that in mind: When it comes to good manners, mothers are more powerful than any law."

• John McCaslin can be reached at 202/636-3284 or by e-mail (mccaslin@twtdmail.com).

▲ *The Washington Times*
Washington DC, January 29, 1999

► *The San Gabriel Valley Tribune*
West Covina, California, January 14, 1999

Libertarian has good ideas

I HAVE just read a new book by Virginia Postrel, the brilliant editor of Reason Magazine, a publication of the Libertarian Reason Society. She does an excellent job of cutting through some of the most troublesome aspects of liberal/conservative conflict.

Every writer has favorite words with which they fall in love. I have a long list that I'm always editing out of my own writings. One of Postrel's favorites is "stasis." According to Webster's, that means the "condition of standing still." In her book, "The Future and its Enemies" (Free Press), she looks at social and economic problems from the standpoint of the "stasists" — those who insist upon confining enterprise to the established rules and who resist thinking "out of the box."

One thing Postrel does is to help resolve the difficulty I've had in defining the terms "liberal" and "conservative." I have claimed that liberals are often really "conservative" because they insist upon using the same old solutions to solve social and economic problems. Consider how many liberal programs are nothing but a tedious repetition of ideas and methods devised by FDR 60 years ago during The Great Depression. These methods are stasist by any definition. And there is certainly an appreciable segment of conservatives who stick to solutions that are "tried and true." Thus, this

scholarly book presents a new way of classifying the body politic. What is the opposite of the stasist? Unfortunately, the best word to describe them is "progressive" but that has been usurped by the ultimate in stasists, the liberals with a failed socialist methodology. Postrel uses the more elegant word "dynamists." Using this book as a guide, we can divide people as either "stasists" or "dynamists." We avoid the use of labels that have lost their meaning.

Not surprisingly for a libertarian, Postrel suggests that most of the stasists are in the government apparatus, stuck with a corrupt methodology. She places her trust in the hands of the people. Thus, established structure is seen as the enemy. In another sense, however, Postrel reinforces an observation I agree with heartily.

The most successful and the most satisfying accomplishments in one's life are not in attaining goals but rather in inventing or devising the method of attaining the desirable goal. The "process" is the most important creative effort and results are just a by-product.

I've observed that for an entrepreneur, the end result of a process is not the special prize one anticipates. Once a process has been established that gives less than the best results, the temptation is to repeat it over and over, hoping for better results. This is the kind of stasis Postrel frowns upon. Ideologues, when faced with fail-

The compassionate conservative



JOSEPH JACOBS

ures in practice, insist that the only remedy is to pursue their ideas with increased fervor. The dynamists, on the other hand, keep trying to invent new processes in order to get better results. In the business world, the corporate functionally is the stasist and the entrepreneur is the dynamist. It is the difference between General Motors and Microsoft.

Stasists project the false image of the "risk-free society." Dynamists represent adventure, the attack on the wilderness of free thought, the fording of rivers and the advance in the face of danger. This book celebrates them and should be read by all who cherish the intrinsic worth of human beings.

Joseph J. Jacobs is founder and chairman of Jacobs Engineering Group Inc. in Pasadena.

Stadium Opposition: Quirky, Quixotic

By MIKE SWIFT
Courant Staff Writer

To James Madison, a member of Connecticut's Libertarian Party, the only legitimate use of tax dollars is the military and police — government functions that protect private property.

Education? Madison says it's better provided by the private sector and charitable groups.

To Tom Sevigny, a member of the Connecticut Green Party, key political issues include establishing a universal, government-backed health care system and cleaning up air-polluting power plants.

But Madison and Sevigny found themselves working for the same cause this week — organizing a campaign to derail a \$374 million taxpayer-backed stadium and training facility for the New England Patriots.

In what may be the ultimate example of David vs. Goliath, local activists hope to use talk radio, the Internet, letters to the editor and public protests such as one planned today at the state Capitol to make things so uncomfortable for Patriots owner Robert K. Kraft that, "We might be able to have Kraft and his people pick up their marbles and go home," in the words of Madison, the Libertarian Party's communications director.

Even with the patronage of consumer advocate Ralph Nader, it appears a somewhat quixotic quest. Legislation funding the stadium was approved by the General Assembly in December; a final development agreement could be signed by the Patriots and the state as soon as today. Polls suggest that a majority of Connecticut residents support the stadium.

But don't tell that to the 30 people who braved a snowy night Wednesday to attend the second organizational meeting of Stop

The Stadium Inc.

"I think the groundswell is there; it's just being repressed," said Mike DeRosa of Wethersfield, who attended the meeting at a church in Hartford.

The stadium will cost \$350 million, plus inflation. Stop The Stadium has collected \$350, mostly through individual contributions of \$10 or \$15, Sevigny said.

Nevertheless, this unlikely coalition of progressives, senior citizen anti-tax advocates, libertarian-get-government-off-my-back conservatives and people who just don't like the stadium believes it has a chance to stop the juggernaut.

Members of the coalition include the Green Party, the Reform Party, the Libertarian Party, the National Organization for Women and the Connecticut Public Interest Research Group.

"The two things I hear from people I talk to

is, one, the cost. The second thing is how this was rammed through the legislature. They are very, very angry about that," says Sevigny, who is a co-chairman of the Green Party.

Members say the union of the far-right with the far-left on the stadium issue can be explained by the taxpayer-funding of the stadium. Stadium backers say the investment will be repaid by new taxes and economic activity the stadium generates.

But opponents say it's welfare for a millionaire.

"It's public funding for private profit, that's what it is," said Donna Donovan of Glastonbury.

The coalition this week considered petitions, persuading investors to shun tax-exempt stadium bonds, even enlisting Hartford-

Continued from Page A3

bashing Boston Globe columnist Dan Shaughnessy or other interests who want to keep the Patriots in Massachusetts.

Today's rally, scheduled for noon no matter the weather, will feature protest signs and "guerrilla street theater," such as coffins with signs

that read "Democracy has died, long live King Kraft."

The hero of Wednesday's meeting was Mary Lyons, a 66-year-old retired high school history teacher who was tossed out of the stadium bill-signing ceremony Tuesday when she tried to ask Gov. John G. Rowland a question. Lyons received

warm applause from her brothers and sisters in arms before she told her story.

"We need to do more of this, right?" she said.

Stop The Stadium can be reached at (888) 877-8607, or on the Internet at <http://petra.greens.org/ct-greens/site/stadium.html>

▲ *The Hartford Courant*
Hartford, Connecticut, January 15, 1999

Please see ANTI-STADIUM, Page A4