

LIBERTY PLEDGE

NEWSLETTER

Libertarian National Committee, Inc. ♦ 2600 Virginia Ave, NW, Suite 200 ♦ Washington, DC 20037 ♦ Phone: (202) 333-0008 ♦ Fax: (202) 333-0072

www.LP.org

April 2012

2012 Convention Speaker Lineup Still Growing!

Austin Petersen

Austin Petersen served as Associate Producer for **Judge Andrew Napolitano's, "Freedom Watch"** on the Fox Business Network, the most libertarian show on TV. He built and managed Judge Napolitano's social networks, boasting over 200,000 fans and millions of clicks a month. Petersen served on staff for the **Libertarian National Committee** in 2008-2009 where he helped to recruit Libertarian candidates, trained activists, ran the internship program, and assisted the 2008 presidential campaign of Bob Barr. He also volunteered for the 2012 Ron Paul presidential campaign. Petersen recently joined the Tea Party think tank **Freedom Works** as Director of Interactive Media and previously served as New Media Program Manager for the free market think tank Atlas Economic Research Foundation.

Manny Klausner

Manuel S. Klausner has been a player in the libertarian movement for over four decades. Mr. Klausner was a founding partner of Reason Enterprises, which took control of **Reason magazine** in 1971. He also co-founded Reason Foundation, the non-profit public policy think tank that has been publishing the Libertarian magazine since 1978.

He became *Reason's* editor in 1972 and senior editor in 1978. Mr. Klausner's political activities included drafting and promoting several major initiatives, among them California's Proposition 209 that prohibited state government institutions from considering race, sex or ethnicity as factors in the areas of public employment, contracting or education.

Following the initiative's approval by California voters in November 1996, he helped successfully defend it against legal challenges. As a lawyer, Mr. Klausner has been engaged in a number of high-profile cases involving constitutional, electoral and media law as well as business litigation matters. Mr. Klausner represented clients involved in the 2000 presidential election dispute over Florida's electoral ballots, including the landmark *Bush v. Gore* case settled by the U.S. Supreme Court.

He also helped defend pioneering Internet journalist Matt Drudge in the defamation suit brought by Sidney Blumenthal, a senior advisor to former President Bill Clinton. Mr. Klausner serves on the California State Advisory Committee to the U.S. Commission on Civil Rights. His writings have appeared in the *N.Y.U. Law Review*, *Annual Survey of American Law*, *George Mason Law Review*, *Los Angeles Times*, and *Reason*

Judge John A. Buttrick

Judge John A. Buttrick is a **libertarian** serving on the **Superior Court** in Maricopa County of Arizona. After earning his Bachelor's degree from The University of Denver in 1973, he went on to graduate from Harvard Law School in 1976.

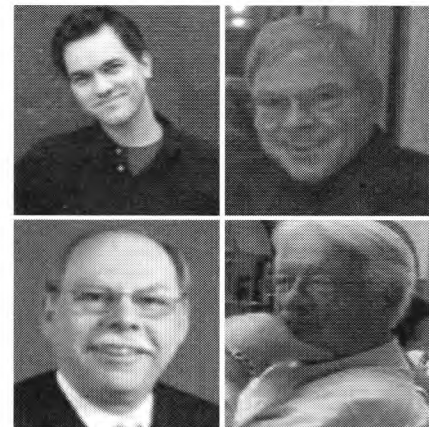
He passed the state bar and practiced law in Arizona. He was a partner at Brown and Bain, P.A. for almost 20 years before being appointed a Superior Court judge in 2001. Before his appointment, Buttrick was an active Libertarian Party member and served on the Libertarian National Committee for two terms.

Judge Buttrick was reelected in his 2004 and 2008 retention elections with an overwhelming majority. He is a staunch supporter of ending the war on drugs and actively promotes libertarian ideas throughout his community.

Tibor Machan

Tibor Machan, Ph.D. is a philosopher and author of more than one hundred scholarly papers and more than thirty books. He is a research fellow at the Hoover Institution at Stanford University, an adjunct scholar at the **Cato Institute**, and a former adjunct faculty member of the **Ludwig von Mises Institute**.

Machan is a syndicated and freelance columnist; author of more than one hundred scholarly papers and more than thirty books, most recently *The Promise of Liberty*. Machan is professor emeritus in the department of philosophy at Auburn University, Machan and holds the R. C. Hoiles Chair of Business Ethics and Free Enterprise at the Argyros School of Business & Economics at Chapman University in Orange, California.



From left to right, top to bottom: Austin Petersen, Manny Klausner, John Buttrick, and Tibor Machan

Recent Libertarian Press Releases

Get Ready to Strip for Unpaid Parking Tickets

The Libertarian Party denounces a U.S. Supreme Court decision, which on Monday struck down a legal complaint by a New Jersey man who was subjected to invasive strip searches after being erroneously detained on suspicion of an unpaid fine.

The Libertarian Party warns that the 5-4 ruling, supported by conservative justices along with Anthony M. Kennedy, establishes a new judicial precedent allowing invasive searches of individuals in detention for even minor infractions or by mistake.

“After this ruling, get ready to strip even if you have an unpaid traffic ticket,” Mark Hinkle, Libertarian Party Chair, said in a statement. “We are dismayed. This ruling sanctions new and unprecedented levels of invasion of privacy. Never before did U.S. courts allow such an outrageous affront to human dignity with so little justification.”

The complaint was brought by Albert W. Florence, a black New Jersey man who was arrested by state troopers in 2005 on an outstanding warrant for an unpaid fine. The police record indicating the fine was unpaid turned out later to be erroneous. Moreover, an unpaid fine is not a crime under New Jersey law.

However, Mr. Florence was held for a week in two different jails before the charges were dropped. He was subjected to strip searches in both institutions.

Justice Kennedy, who wrote for the majority, argued that corrections officials “must have substantial discretion to devise reasonable solutions to the problems they face.”

Writing for the dissent, Justice Stephen G. Breyer said the strip searches were “a serious affront to human dignity and to individual privacy.”

Executive Orders and Military Tribunals Are Not Due Process

Last month, the joint war on liberty by Republicans and Democrats continued, when Attorney General Eric Holder informed surprised students and faculty at Northwestern University Law School that President Obama can kill anyone in the world without charge or trial. This, of course, is just acceptance of the Unitary Executive Theory which President George W. Bush utilized to ignore the courts during his administration. Needless to say, both Presidents, Bush and Obama, assured us that they would be careful to only use their unlimited powers for the benefit of their subjects.

Libertarians say this is not good enough. Until recently, most Americans believed that they could not be deprived of their life, liberty or property without due process of law. The very idea of having people judged by a jury of their peers was to limit the ability of politicians to act as if they were monarchs.

Nowhere is this bipartisan disgrace better demonstrated than in the ongoing saga of the Guantanamo Bay detention camp. Bush established this camp in January 2002 so that he could claim the prisoners held there were outside US legal jurisdiction. When the Supreme Court rejected that administration’s quaint new category of people who were neither accused criminals, subject to the protections of habeas corpus, nor prisoners of war, subject to the protections of the Geneva Convention, Bush began to use military tribunals in which US military officers operated as both judge and jury. As Groucho Marx once said, ‘Military justice is to justice what military music is to music.

Conveniently, the Military Commissions Act of 2006 gave Bush both the legislative cover and official acceptance of his newly-minted category of enemy combatant. At that time, most Democrats voted against this law, while in 2008, then-presidential candidate Barack Obama called

for regular civilian trials and the closing of Guantanamo. Needless to say, upon election President Obama decided instead to continue both the tribunals and the indefinite detentions at Guantanamo.

It is far too late to talk about due process for the Guantanamo prisoners. Of the nearly 800 men and boys sent there, most were released after years of imprisonment without ever being charged, let alone convicted of anything. Eight have died in custody. A total of three have been convicted: one for making an anti-American video, one for being a chauffeur for Bin Laden, and one in a vague plea bargain in exchange for his release. Of the remaining 171 detainees, most have already been cleared for release but are still being held. And for the few still awaiting a hearing, the legacy of torture based evidence taints the entire process. Fair trials are impossible at this point.

Let us end this farce NOW. While no single policy can ever guarantee our safety, we are far more endangered by a government which has justifiably earned the contempt of the world than we are by a few more people running free who are angry at the US. Releasing the innocent is far more important than accidentally keeping a few who might be guilty. Close Guantanamo and restore due process.

Libertarian Party Press Releases continued on Page 4...

New and renewing Liberty Pledgers

Stephen P. Allen	Timothy C. Lane
Nicola Aversa	Jascha Lee
Sean M. Bearly	Joseph S. Lee
Rex Bell	David Lincoln
John M. Bills Jr.	John Lind
Steve Boone	Christopher S. Lynch
Christopher M. Brookover	Michael McCullough
Gary Brunner	Courtney J. McMillian
Thomas G. Burket	Allen R. Merriman
Katherine B. Byrne	David Moore
Mark Byrne	Brandon S. Morin
Peter Cox	Dennis D. Morris
Deja Crutcher	Albert J. Pappas
Ryan Daniel	John P. Pate
Elaine DiMasi	Michael Penrow
Richard P. Doyle	Stephen J. Pilling
Michael L. Dudley	John N. Prentice
Mark Edgar	Dan W. Price
Anthony W. Farris	Michael A. Puckett
John Findlay	Ronald Reale
Daniel D. Fuller	David S. Reed
John D. Gerlach	Dain E. Reinhart
Scott Gesty	Guy Schwartz
Regan P. Hess	Patrick-Andrew F. Shuey
Albert C. Hinkle	Anthony N. Sileo
Thomas Hinkle	Jason Sipe
David J. Horn	Michael C. Smith
Robert S. Johnston	Bob Smither
Jeffrey N. Jones	Curry B. Taylor
Denise P. Kalm	Richard C. Thurber
Brendan Kelly	Richard H. Timberlake
Laurence G. Knight	Sue Velie
Angie M. Knoll	Susan L. Waddell
Bruce K. Lagasse	Gene Warren

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Libertarian Party in the News

Ruling May Spur Foes to Challenge Health Care Law

From *The Boston Globe*, March 2012

A Supreme Court ruling against President Obama's landmark health care law could prompt challenges to the Massachusetts law that inspired it, according to legal specialists and activists following the case.

The legal case against the federal Affordable Care Act pivots on the constitutionality of its requirement that nearly every American obtain health insurance. Massachusetts was the first state to introduce such an individual mandate when lawmakers passed Governor Mitt Romney's health care plan in 2006.

The tenor and aggressiveness of the justices' questions during three days of oral arguments on the federal law have caused some legal analysts to predict the court could strike down the individual mandate - if not the entire law. If that happens, observers say, the ruling would probably encourage a lawsuit in Massachusetts or embolden organizers to repeal the state's mandate at the ballot box.

"Many [challengers of the federal law] believe that state and federal mandates would be unconstitutional," said Jeffrey Rosen, a law professor at George Washington University. Although the pending challenge focuses only on the federal mandate, he said, "If the federal mandate were struck down, I have no doubt that many of the challengers would rush to challenge state mandates."

Bridget Fay, a spokeswoman for the conservative group Massachusetts Against the Individual Mandate said the organization is concentrating its efforts on forcing a referendum for repeal of the Massachusetts mandate in 2014.

Last fall, Coakley approved the wording of a ballot question proposed by Fay's group, which would have put the individual mandate to a vote this November. Massachusetts Against the Individual Mandate failed to collect enough signatures, however, to place the question on this ballot.

"If the Supreme Court rules that the individual mandate is unconstitutional, I think it might give us some energy," said Fay, who holds a law degree.

Carla A. Howell, cofounder of the Center for Small Government and a former Libertarian candidate for Massachusetts governor, also said a ballot initiative is the best way to attack the mandate.

"An initiative to repeal 'Romneycare' needs to be on the ballot," said Howell, who has led two ballot efforts to repeal the state income tax and one to cut the state sales tax by more than half.

A poll published last year by the Globe and the Harvard School of Public Health suggested that a referendum on the mandate could be close. A narrow majority of state residents, 51 percent, said they support the mandate; 44 percent opposed it, up from 35 percent in a 2008 poll.

LP Chair Urges Marco Rubio: Withdraw Your Endorsement of Mitt Romney—He's a Big Government Politician!

"With all due respect, Senator Rubio, you failed to do your homework. As an alleged 'Tea Party Republican,' your endorsement of Mitt Romney misleads the true Tea Partiers from coast to coast," said Mark Hinkle, Libertarian Party Chair.

"Senator Rubio, you assert that Mitt Romney was a 'successful' governor in Massachusetts. Which part of Mitt Romney's record as Governor do you consider a success?"

- Mitt Romney raised scores of taxes - every year, all 4 years as Governor.
- Romney proposed and signed into law Massachusetts government spending hikes every single year he was Governor.
- Mitt Romney boosted his state government spending by \$5 billion.
- Governor Romney initiated, lobbied for and signed into law RomneyCare - the father of ObamaCare - and railroaded Republicans in the legislature to vote for it
- Governor Romney ushered in ObamaCare. If he's the Republican Presidential Nominee, he leaves Republicans no ground to oppose ObamaCare - and is seen as a hypocrite when he pretends to oppose it
- Governor Mitt Romney endorsed and voted for New England's version of Cap and Trade.
- Romney passed enabling legislation that raised business property taxes.
- Governor Romney "Closed loopholes" to enforce sales tax collection on Internet purchases.

"Senator Rubio, please explain: If these Big Government Mitt Romney measures were a 'success' - what would failure look like?"