



Santa Clara Libertarian

Volume 33, Issue 10 October 2005

News of Local Libertarians' Efforts and Feats

■ Election 2005

How to Vote in the November 8 Special Election—and Why!

As you know, the Libertarian Party of California (LPC) has taken a position on the November ballot initiatives. This month we delve into why.

The LPC supports the governor's reform initiatives—Propositions 74–77—and opposes Propositions 78, 79, and 80. The LPC has taken no position on Proposition 73.

"The governor's reform initiatives are good for California and for its citizens," said Aaron Starr, chairman of the Libertarian Party of

California. "More reform is necessary, but they all are a step in the right direction.

ELECTION DAY
Nov. 8 2005

"As for the competing prescription drug initiatives, each would mean either higher overall drug costs or higher taxes, and probably both. You are supposed to vote for Prop. 78 to stop the passage of Prop. 79. We see no point in playing that game.

"And finally, Prop. 80 is not a

viable solution to whatever perceived problem its sponsors are trying to solve. California's regulatory environment is ultimately responsible for there being insufficient electrical generation and distribution capacity in the state, and has brought California's primary energy companies to the brink of bankruptcy—and beyond. More government is not a fitting solution to a government failure.

"Interfering with markets is ineffective at

■ See **Voting**, page 2

■ Election 2006

Campaign Tips: Past Candidates Impart Insights at Forum

Local Libertarians are gearing up for the important task of every political party—running candidates for office. To that end, 3 longtime Libertarians imparted their experiences and tips from their races for—and stints in—public office, during LPSCC's candidate training session, held Oct. 18.

Zander Collier, himself a candidate for State Assembly, District 24 in 2004, served as moderator for the panel discussion.

LPSCC Vice Chair **Allen Rice** kicked off the presentations. "If you're running a real

campaign, you must go to all the events," Rice advised, pointing out that the LP isn't taken seriously when our candidate's seat is empty at a forum or debate.

Scott Lieberman, spoke about serving on San Jose's Advisory Commission on Rents (2002–2003). "Once you're in office," he advised, "remember that your goal is to advance the mission of the Party, not just to espouse libertarian views. Be nice, so that you can persuade a majority of your colleagues to vote your way." Do what it

takes to effect change, since, as Lieberman says, "actions speak louder than words."

Dennis Umphress, who ran for U.S. Congress, District 16 in 2002, said it's important to have formulated a statement that tells voters "who I am, and why I'm running for office. Have at the ready 30–sec., 1–min., 3–min., 5–min. versions of the statement, and get good at repeating your message."

Thanks to the **Arnes** for lending space for the meeting at **School of Choice** academy. ■



Dennis Umphress ran for U.S. Congress, District 16 in 2002. He's one of LPC's Karl Bray award winners.



Scott Lieberman served on the San Jose Advisory Commission on Rents from 2002 to 2003.



Allen Rice, currently Vice Chair of LPSCC, ran for State Senate, District 11 in 2004.

Photos: Elizabeth C. Brierly



Santa Clara Libertarian
News of Local Libertarians'
Efforts and Feats

Volume 33 ■ Issue 10 ■ October 2005

Santa Clara Libertarian is the monthly newsletter of the Libertarian Party of Santa Clara County.

PUBLISHER

Libertarian Party of Santa Clara County
P.O. Box 60171 Sunnyvale 94088-0171
Web site: www.SC.CA.LP.org
Telephone: 1 (877) 872-3007

EDITOR

Elizabeth C. Brierly
E-Mail: BrierlyServices@Netgate.net

Brierly Services Company

P.O. Box 611021 San Jose 95161-1021

COUNTY CHAIR

Allen Hacker
Telephone: (650) 964-4488
E-Mail: Allen@LawfulGov.org

NEWSLETTER COMMITTEE

Mark Hinkle, Committee Chair
E-Mail: Mark@Garlic.com

CONTRIBUTORS

Marianne Farag Hiram Pierce
Rich Newell Dan Wiener
Arden Pierce

PAST ISSUES

From 1998 on: www.SC.CA.LP.org/scf/

COPYRIGHT NOTICE

Articles, photographs, artwork, copyright 2005 by their author(s) and/or Libertarian Party of Santa Clara County, except where stated as a reprint. All rights reserved.

Upcoming Meetings LP of Santa Clara County

Election Night Party!

When: **Tues., Nov. 8, 7:00 P.M.**
Where: Home of Mark Johnson
190 Ryland St., #307
San Jose, CA 95110

For info: www.WhyNotSanJose.com/electionparty.html

Speakers Bureau

When: **Tues., Dec. 13, 7:00 P.M.**
Where: School of Choice
1095 Dunford Way
Sunnyvale, CA 94087

For info: www.SC.CA.LP.org

Annual Convention

When: **Tues., Jan. 10, 7:00 P.M.**
Where: To be determined
Fee: To be determined
For info: www.SC.CA.LP.org

Voting *continued from Page 1*

best, and may cause disastrous economic distortions at worst. The only way to deal with so-called market problems is to let the free market work it out itself. It always has, and the energy and pharmaceutical markets are no different."

The LPC has taken the following positions on ballot initiatives:

Prop. 73 (Parental Notification): No position

Prop. 74 (Teacher Tenure): Yes

Our government-run education system is failing students. Holding teachers to the same standard required of most workers is a step in the right direction. Assuming that teaching is such a special occupation that, unlike almost all others, its practitioners actually deserve the special job protection of becoming a "permanent employee," then it is not unreasonable to require teachers to demonstrate real proficiency over a period of five years before tenure is granted.

Also, if teaching really does stand out in this way from all other occupations, then it is fair to expect its practitioners to stand up to strong critical review and to be able to improve to an acceptable level if found wanting. The job is too important to be left to those who are just getting by.

Prop. 75 (Paycheck Protection): Yes

Currently, public employee union members are unfairly forced to support political efforts that they may oppose. The current system makes it very difficult for such union members to opt out. Prop. 75 changes the system to one in which members must [be asked for] their permission in advance. This common-sense measure gives back individual union members control over how their dues are spent. This measure does not apply to private sector unions, nor should it.

Prop. 76 (Live Within Our Means): Yes

This measure would somewhat control politicians' appetite for spending more money than they have, by capping spending to a limit of the average outlay of the last three years. This initiative would force politicians to adhere to spending limits that are adjusted for inflation and population growth. It is a simple and fair requirement, and not a tax cut but a modest tax cap. Although it could provide even tougher protec-

tion against runaway spending, this measure is better than the safeguards taxpayers have now.

Prop. 77 (Redistricting): Yes

As most California voters know, the state Legislature has created electoral districts where it is virtually impossible to oust an incumbent or to elect a representative from a different party. In the 109 seats contested in the 2004 General Election, not one incumbent lost office. Essentially, politicians choose their voters instead of the other way around—an obvious conflict of interest.

This measure is an effort to take the politicians and politics out of district border creation. It will create an impartial districting team, to which anyone, including the Legislature, can suggest a redistricting plan. The team will submit the best plan to the people in the form of an initiative. In the end, it will be the people, not the Legislature or the panel of judges, who will decide how district boundaries are to be drawn.

Props. 78 & 79 (Prescription Drug Prices): No

Nearly 40% of the nation's biotechnology companies and employees are based in California. Instead of penalizing businesses who invent and produce medicine, let them continue to deliver the widest and best choice of medicine in the world, and at the best value.

Make no mistake: any discount forced upon drug companies would be shouldered by their (other) customers, employees, and shareholders—and the taxpayer. These propositions would limit incentives to research medicines or to start new drug companies. The state bureaucracy would be the largest beneficiary. Both measures are bad medicine for California.

Prop 80 (Energy re-regulation): No

Forget for a moment that the California energy industry never was fully deregulated; this measure would return the state to the system that already proved it didn't work. The bad old days of brownouts and endless rate hearings by the Public Utilities Commission would come back to haunt taxpayers. That approach did not work then, and it won't work now.

What's necessary is not partial regulation, but full deregulation. By taking away choice from the energy consumer, this measure would limit competition. Moreover, it would place additional burdens on energy companies with little if any benefit. ■

Coming Soon: libertarian Events in the Bay Area

Civil Society Institute

Phil Anderson, Director,

Economic Indicator Services, Australia:

Every 18 Years: the Surprisingly Predictable
and Unnecessary Business Cycle

When: **Wed., Nov. 9, 2005, 5:30 P.M.**

Where: Santa Clara Univ., Daily Science 207

For info: www.SCU.edu/csi/events/

Independent Institute

Author Michael Crichton

with a panel of distinguished scientists:

States of Fear: Science or Politics

When: **Tues., Nov. 15, 2005, 7:00 P.M.**

Where: Hotel Nikko, 222 Mason St., S.F.

For info: www.Independent.org/events

SJSU Department of Economics

Edward Feser, Philosophy Professor:

Religion, Politics, and the Rhetoric of Secularism

When: **Thurs., Dec. 1, 2005, 5:15-6:45 P.M.**

Where: Martin Luther King Library, Room 225

For info: www2.SJSU.edu/depts/economics/

Invite your family, friends, and colleagues to join the **Libertarian Party!**



The Libertarian Party

of Santa Clara County

P.O. Box 60171, Sunnyvale, CA 94088-0171

Please print:

Name: _____

Address: _____

City/State/ZIP code: _____

Phone: _____ E-mail: _____

The Libertarian Party is the party of principle. To assure and affirm that our party never strays from its principles, we *request* our members to sign the pledge below. (Non-signers cannot vote on Party business.)

I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving political or social goals.

Signature: _____

MEMBERSHIP APPLICATION

NEW MEMBER RENEWAL

- \$25 Introductory Basic (1st yr.) \$ _____
- \$50 Basic..... \$ _____
- \$100 Sustaining..... \$ _____
- \$250 Sponsor \$ _____
- \$500 Patron \$ _____
- \$1,000 Benefactor \$ _____
- \$2,000 Life Member \$ _____

MY ADDITIONAL CONTRIBUTION TO LPSCC:

Monthly pledge: \$ _____
 One-time donation: \$ _____

Payment method:

Check: Make payable to **Libertarian Party**

Credit card: (circle one)

Visa MasterCard AmEx Discover
 Card no.: _____
 Expiration date: _____
 Cardholder name: _____
 Signature: _____

LP Voter Guide for Nov. 8 Election

In this month's special election, not only will we all be voting on the important statewide propositions, but Cupertino and Sunnyvale residents will have the opportunity to just say "no" to several new taxes and regulations. **Take these voting recommendations with you to the polls!**

City Measures: the LP recommends...

- Measure A** General Plan Amendment Restricting Housing Density—
 City of Cupertino Yes NO
- Measure B** General Plan Amendment Restricting Building Heights—
 City of Cupertino Yes NO
- Measure C** General Plan Amendment Restricting Building Set Back
 Lines—City of Cupertino Yes NO
- Measure D** Business License Tax—City of Sunnyvale..... Yes NO
- Measure E** Hotel Tax—City of Sunnyvale..... Yes NO
- Measure F** Term Limits—City of Sunnyvale Yes NO
- Measure G** City Manager's Residence—City of Sunnyvale..... No position taken.
- Measure H** Heritage Resource—City of Sunnyvale..... Yes NO

Statewide Propositions: the LP recommends...

- Prop. 73** Waiting Period and Parental Notification Before Termination of Minor's Pregnancy..... No position taken.
- Prop. 74** Public School Teachers. Waiting Period for Permanent Status. Dismissal..... YES No
- Prop. 75** Public Employee Union Dues. Restrictions on Political Contributions. Employee Consent Requirement YES No
- Prop. 76** State Spending and School Funding Limits..... YES No
- Prop. 77** Redistricting. Initiative Constitutional Amendment..... YES No
- Prop. 78** Discounts on Prescription Drugs Yes NO
- Prop. 79** Prescription Drug Discounts. State-Negotiated Rebates Yes NO
- Prop. 80** Electric Service Providers. Regulation..... Yes NO

Election Night Party!

Mark Johnson, Chair of LPSCC's Publicity Committee, will be opening his home to fellow Libertarians for an election night party! Come celebrate the results of the November 8th special election, and mix with other Libertarians! Food and drink will be provided.

When: Election Night, of course!
 Tuesday, November 8
 7:00 P.M. – 10:00 P.M.

Where: Mark Johnson's Loft
 190 Ryland Street, no. 307
 San Jose, CA 95110
 (650) 283-0594

Info: www.WhyNotSanJose.com/electionparty.html



Your response is encouraged, but Johnson invites everyone to "show up regardless...and win a door prize if you're wearing your 'I voted' sticker!" ■



Santa Clara Libertarian

Libertarian Party of California State Central Committee
Libertarian Party of Santa Clara County
P.O. Box 60171
Sunnyvale, CA 94088-0171

NON PROFIT
ORGANIZATION

U.S. POSTAGE PAID
PERMIT NO. 4040

SAN JOSE, CA

Election Material. Postmaster: please expedite.

Ballot guide,
page 3

VOTE!

November 8

Behavioral Law: Regulators are Biased

Do you know that 50% of marriages end in divorce?"

"Yes."

"What is *your* chance of staying married?"

"100%!"

That illogic among couples interviewed before they've undertaken their nuptials is just one example of human beings' inherent bias, according to Stanford Law School's Associate Dean, **Professor G. Marcus Cole**. We overestimate our own abilities, relative to others' abilities, and underestimate our own susceptibilities, relative to others'.

Cole, a member of the editorial board of the *Cato Supreme Court Review*, was well received by students of law and economics, as well as libertarian guests, as he addressed Santa Clara University's Civil Society Institute on Oct. 26.

Well known in the field of cognitive psychology, our built-in bias is, in many cases, being accounted for in the law. In criminal law, for example, prosecutors are disallowed from introducing evidence of a defendant's conviction for a previous perpetration of the crime in question, because of a phenomenon called "representativeness bias," which

could lead jurors to an inadvertent assumption of guilt in the current case.

The field of "behavioral law" seeks to protect people from their own such biases. But Cole points out, "My own question is: if human beings are flawed decision makers, then aren't regulators—themselves human—just as flawed, if not more so?" He adds, "There's no study in economics or law of the biases of regulators! Regulators use their own and our biases against us." Cole has embarked on a study of that side of the behavioral law equation.

Cole spoke of a study from 20 years ago which showed that even birds can make a rational assessment of the cost of digging deeper for worms into a mostly tapped-out hole, versus the energy required to fly off to find a fresher worm hole. He pointed out that even people of below-average intelligence possess more and better information about their own circumstances, needs, abilities, and goals than do those who would presume to protect them from their own biases.

Professor Cole received his J.D. in 1993 from Northwestern University, and in 1997 joined the faculty of Stanford University. ■



Professor Marcus Cole of Stanford University speaking to Santa Clara Univ. students & guests, Oct. 26.

Photo: Elizabeth C. Brierly

Save the Dates!
Feb. 24-27, 2006

Liberty at Sea '06

It's the annual convention of the
Libertarian Party of California.

Reservations: 1 (877) 884-1776
www.CA.LP.org

**Any LPSCC member may run
for a seat as delegate
from Santa Clara County.**