

# LIBERTY PLEDGE

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

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## newsletter

## Libertarians win two major court cases

### NJ Supreme Court strikes down no-jury asset forfeiture law

**A** Libertarian lawyer has won a major legal victory against asset forfeiture, thanks to a New Jersey Supreme Court ruling that strikes down a law allowing the state government to seize personal property without a jury trial.

Libertarian Elizabeth Macron was the winning attorney in a case that pitted New Jersey prosecutors against an elderly woman whose automobile was seized after her son used it to transport drugs in 1995.

On July 15, the Supreme Court ruled unanimously that the seizure was unconstitutional because the owner of the car, Lois McDermott, was denied her right to a jury trial.

The ruling is “a Libertarian victory for private property affecting every American,” said Janice Presser, State Chair of the New Jersey Libertarian Party. “This is a big boost for freedom in New Jersey and a personal victory for NJLP member Elizabeth Macron, who successfully argued the case before the Supreme Court.”

Citing English common law, Alexander Hamilton’s writings in the Federalist papers, and a 300-year-old case in which British customs officials seized a sailing ship for violating the Navigation Acts, the seven-member court decided that the right to a jury trial was guaranteed to New Jersey citizens—even in asset forfeiture cases.

“New Jersey colonists insisted on jury trials for the forfeiture of ships and their contents. Automobile owners are entitled to the same protection today,” the court wrote. “The forfeiture of automobiles today, like that of sailing ships in earlier times, should be subject to the general rule requiring trial by jury.”

The state’s attorney general office blasted the decision, arguing that jury trials would be too costly and time-consuming—and would make it more difficult for the state to wage the War on Drugs. But the court dismissed that argument, holding that “doubtless, the right to trial by jury will be an inconvenience to the State when it seeks to forfeit innocent property. Mere inconvenience, however, cannot justify the denial of a constitutional right.”



■ **Victorious LP attorney Elizabeth Macron**

### District Court grants Oklahoma Libertarians right to register

**L**ibertarians in Oklahoma have finally won the right to register as Libertarians, thanks to a District Court ruling on July 17.

The ruling—which will allow Libertarians to register even though the Libertarian Party is not officially recognized by the state government—is “a landmark occasion in Oklahoma election law,” said LP State Chair Michael Clem.

Legally, the decision is significant because “it is only the second time a lawsuit on this issue has won—and the last [registration victory] was 14 years ago,” said Richard Winger, editor of *Ballot Access News*.

In his ruling, Judge Wayne Alley cited First and Fourteenth Amendment rights, and referred to the “longevity and base of support that the Libertarian Party has achieved and maintained in Oklahoma.”

The judge will now consider various proposals to implement “non-recognized” party registration, and will then set a date for the new registration rules to begin.

Libertarian lawyer Jim Linger filed the lawsuit against the Oklahoma State Election Board in 1997 after Libertarians ran into difficulty trying to register before the 1996 election.

“After the party successfully petitioned to be recognized in 1996, Oklahomans had less than 30 days to register as Libertarian, and registration forms did not list the Libertarian Party as a valid option for voter registration,” said Clem. “The decision from the lawsuit is, in part, a remedy to these problems.”

According to Clem, the judge’s decision was based largely on the testimony of Winger, a nationally recognized expert on ballot access and voter registration law.

Winger testified that several states allow voter registration for “non-recognized” parties. He also argued that a list of registered voters is a valuable asset for a political party—and cited the LP’s Project Archimedes as an example of how a party can use lists of registered voters to recruit contributing members and build support.

Unfortunately, the ruling will not change Oklahoma’s ballot access laws—which are “some of the most difficult in the nation,” said Clem.

But “Judge Alley’s decision will ease some of the burden third parties have in building political support in Oklahoma,” he said.

# Libertarians Say They Are Gaining Traction

BY JOHN HEILPRIN

THE SALT LAKE TRIBUNE

The Utah Libertarian Party is on the upswing, supporters say, finding candidates to field in political races statewide.

"Libertarian principles and ideology are gaining traction," the party's Summit County chairman, Christopher Kierst, said at the state nominating convention last week.

Party members selected county, state and federal candidates and picked 11 delegates to represent Utah at the Libertarian Party's national convention in July.

The Libertarian Party's candidates for federal races are:

Hartley Anderson, Ogden, for U.S. Senate; Gerard Arthus, Ogden, for the 1st Congressional District; Brian Swim, Salt Lake City, for the 2nd Congressional District; and Kitty Burton, River-ton, for the 3rd Congressional District.

Party candidates for state Senate seats are:

David Smith, Salt Lake City, District 1; James Elwell, Salt Lake City, District 7; Charles Bonsall, Sandy, for District 10; Richard Partridge, Brigham City, for District 24; Steve Sady, Peoa, for District 26.

Party candidates for state House seats are:

Susan Green Parker, Layton, for District 15; Theda Judd, Farmington, for District 17; Don

Johnstun, Magna, for District 22; Ronald Amos, Salt Lake City, for District 27; Charles Pearce, Salt Lake City, for District 31; Chauna Pierce, Kearns, for District 38; Dexter, Bennion, for District 39; Alan Hepner, Brighton, for District 46; and Charles Hardy, Sandy, for District 50.

In Salt Lake County races, Cabot Nelson, West Valley City, is the Libertarian candidate for the commissioner B seat. Hugh Butler, Salt Lake City, is the Libertarian candidate for county treasurer.

Delegates to the national convention are: Amos, Arthus, Burton, Marsha Butler, Dexter, Willy Starr Marshall, Nelson, Pierce, Kaylin Robinson, Lee Robinson; and Swim.

The keynote address was delivered by Vin Suprynowicz, assis-

tant editorial page editor of the *Las Vegas Review-Journal*. He exhorted Utahns to be patient while seeking more political influence by seeing the silver lining in incremental victories.

At the convention, state party Chairman Jim Dexter set off a minor stir by claiming that U.S. Rep. Merrill Cook, R-Utah, had sought to become a Republican and Libertarian "fusion candidate" for re-election in November.

Cook, whose allegiance to the Republican Party has been previously questioned, denied he ever intended to run as anything other than a Republican this year. But he and two Republicans confirmed at least one meeting was held earlier this year to discuss the idea of a fusion candidacy and to oppose a bill banning such candidacies.

## Sandwich and mistress

The Democrats don't worry themselves over President Clinton's private life or public policies, and with November elections rapidly approaching, career-minded Republicans aren't overly concerned, either.

The Libertarians are.

With little fanfare, the Libertarian Party has just concluded its four-day national convention here in Washington — 800 party faithful hearing from, among others, Internal Revenue Service historian-turned-whistleblower Shelley L. Davis, author of "Unbridled Power: Inside the Secret Culture of the IRS," and David Boaz, executive director of the Cato Institute.

"In the 18th century British parliament," the latter speaker observed, "the Earl of Sandwich said to the great Libertarian, John Wilkes: 'I do not know whether you will die on the gallows or of some dread disease.'"

"Wilkes responded: 'That depends, sir, on whether I embrace your principles or your mistress.'"

"In Washington," Mr. Boaz added, "more politicians have been embracing mistresses than principles recently."

## Hazardous combination

It's "blatantly unconstitutional." It's "the kind of tax that sparked the Boston Tea Party."

It's the new tax on long-distance phone calls, in the words of Steve Dasbach, national chairman of the Libertarian Party.

Mr. Dasbach calls it the "Gore tax," because the 5 percent tax on interstate calls was imposed by the Federal Communications Commission to fund Vice President Al Gore's plans to connect all public schools to the Internet.

But the Constitution doesn't allow federal bureaucracies to levy taxes, Mr. Dasbach says, making the "Gore tax" unconstitutional — not to mention dangerous.

"Giving federal bureaucrats the power to tax is as dangerous as giving Viagra to Bill Clinton," said Mr. Dasbach. "To put it mildly, it is a hazardous combination."

▲ *The Salt Lake City Tribune*  
Salt Lake City, Utah, May 30, 1998

► (CENTER) *The Washington Times*  
Washington, DC, July 7, 1998

► (RIGHT) *The Washington Times*  
Washington, DC, June 22, 1998

# Libertarians claim credit for new dialogue

By Donald Lambro  
THE WASHINGTON TIMES

Libertarian Party leaders meeting here yesterday to draw up an election-year platform boasted that some of their party's biggest ideas have been driving the national political debate.

"They're talking here [in Congress] about privatizing Social Security and abolishing the [Internal Revenue Service], but Libertarians have been talking about this for the past 20 years," said Donald Gallick of Columbus, Ohio, one of about 1,000 delegates attending the party's four-day convention.

Another delegate, James Ilsis of West Palm Beach, Fla., agreed. "We've changed the political dialogue in America," said the radio talk show host.

The focus of their convention is how to attract a wider following and become a much more competitive force in American politics.

While Libertarians have managed to attract no more than 500,000 votes for

## Boast their ideas drive political debate

their presidential candidate every four years, they have been more successful lower down on the ballot — drawing between 2 million to 3 million votes and electing about 250 of their leaders to public office at the local level.

That gives their party "a status no third party has enjoyed in decades," Congressional Quarterly says.

"For a lot of people, the big issue now is, can you make a difference, can you become competitive?" said party Chairman Steven Dasbach.

Many voters like the Libertarian message of smaller government, he said, but do not want to throw their vote away for a party that has no chance of winning.

Mr. Dasbach said the Libertarian Party's future rests on increasing its visibility and building its base at the local political level, and that means raising much more money than it has

been able to do thus far.

"People are willing to support you if you can be visible and be seen as having an influence in the elections," he said. "We saw that with Ross Perot. Once you get that visibility level, you can be influential."

When Mr. Dasbach became chairman, the party had a contributor base of fewer than 10,000 supporters and members. That base has since grown to over 30,000, he said. To be able to boost its visibility through television ads and other paid promotion would require a donor base of between 200,000 and 500,000, he said.

There is no question that Americans are becoming increasingly interested in such Libertarian ideas as privatizing or contracting out government functions, allowing workers to put Social Security contributions into their own

personal retirement accounts, and dismantling the IRS.

Publishing magnate Steve Forbes had some success in his run for the 1996 Republican presidential nomination by urging the abolition of the current IRS code and privatizing Social Security. And GOP leaders have been proposing retirement savings accounts as a first step toward privatizing the Social Security system.

But some Libertarians said the popularity of these ideas has less to do with the Libertarian Party than with conservative and libertarian think tanks like the Cato Institute, the Heritage Foundation and the Reason Foundation.

"The Libertarian Party has had an influence, but organizations like the Cato Institute have played more of a role in introducing libertarian ideas into the policy debate," said David Boaz, executive director of the Institute, who will address the convention today.

▲ *The Washington Times*, Washington, DC, July 3, 1998

▼ *The Clayton News-Daily*, Jonesboro, Georgia, June 9, 1998

# Sick joke study wastes taxpayer money

A \$107,000 federal grant for a college professor to study flatulence humor and anti-Jewish jokes is no laughing matter. The grant shows that Washington, D.C. has become a sick joke. Taxpayers are the punch line.

The grant was awarded to Robert S. Wyer, a professor at the University of Illinois at Urbana-Champaign, by the National Science Foundation. His research project was to learn why people are angered or amused by tasteless humor and dirty jokes.

The study builds on a previous federal grant that Wyer received - \$122,851 from the National Institute of Mental Health to study a "theory of humor elicitation."

In his study of tasteless jokes,

Wyer pays college students to read jokes with ethnic or sexual themes to other students, and then record their reactions.

With his federally funded insight, Wyer noted that a joke about farts and deaf people is funny because "the answer, if considered in isolation, appears to refer to a social benefit that the deaf might receive." He shrewdly noted, "the benefit is actually quite unpleasant."

A joke depicting Jewish people as stinky, Wyer theorized with his \$107,000-worth of knowledge, "is likely to be judged less humorous by Jewish individuals.

No joke.

Did we really need to waste \$107,000 of our hard-earned money to learn that Jewish individuals might be offended by anti-Jewish humor, and that flatulence conveys no social benefit to the deaf? This ridiculous grant proves once again that the biggest comedy club in this country is the U.S. Congress.

Wyer was awarded the "dirty

*The grant shows that Washington, D.C. has become a sick joke. Taxpayers are the punch line.*

joke" grant in 1994, and is now writing his report. Desperately hoping to justify the amount of money he has spent, he promised that his study will "contribute to the understanding of those factors that underlie the identification of statements as witticisms rather than as serious attempts to criticize or to convey hostility or prejudice."

The National Science Foundation hands out more than \$3 billion a year in grants, and its proposed budget for 1999 includes a \$334 million increase — largest ever in its history.

The agency has a long history of distributing grant money for studies that critics have called ridiculous. Examples include:

- \$220,000 to study why men don't smile as often as women.

- \$275,000 to study "value use and norm changes among Zambian adolescents."

- \$194,000 to study why some potential candidates decide not to run for Congress.

That last study my actually have some merit. It's a good question. After all, it's a job that apparently requires no skills except the ability to spend other people's money. And, as these science foundation grants prove, politicians enjoy their jobs — they're laughing all the way to the bank as they think up comical new ways to waste our money.

*Steve Dasbach is national chairman of the Libertarian Party. To reach him, write 2600 Virginia Ave., NW, Washington, D.C. 20037.*



**Steve Dasbach**  
COLUMNIST

# Get government out of education, pitchman says

By Janet Bingham  
Denver Post Education Writer

Marshall Fritz is a salesman. His pitch: Get the government completely out of education.

He wants to end compulsory education and end all government taxation and support for schools.

The result — which even supporters say is a long shot at best — would be the replacement of all tax-supported education, including vouchers, with privately supported schools or home schools.

Government-run schools, he contends, don't work because the political majority is able to impose its views of what education should be on the minority — whether they be traditional Christians, Muslims, Jews, Hispanics or any other group.

## Focus on state

His California-based group, the Separation of School and State Alliance, is making Colorado a focus for recruitment and the site of its fall national conference, which will be held

in November in Colorado Springs.

Fritz — a one-time computer salesman whose prime financial backer is a Libertarian businessman — claims that more than 3,800 educators, parents, clergy and policy leaders nationwide have signed his proclamation calling for an end to government compulsion in education funding, attendance, and content.

## Local backers

Among Coloradans on the list: Tom Tancredo, former president of the Golden-based Independence Institute and Republican candidate for U.S. Congress in the 6th Congressional District; John Andrews, 1990 Republican candidate for governor in Colorado; and Kevin Irvine, 1991 Colorado Teacher of the Year.

Some local educators who oppose his views have agreed to appear at Fritz's conference as panelists, including Judy Behnke, executive director of the Colorado Education Associ-

Please see **SCHOOLS** on 4B

# Movement sets sights on state's conservatives

**SCHOOLS** from Page 1B

ation. But while she believes in a good debate, Behnke sides with critics who say Fritz's ideas would lead to elitism, that poor children would be left out and that the end of public schooling could lead to the death of democracy, which can survive only if diverse groups come together to find common ground.

"The basis of a democracy is public education," said Behnke. "That's what makes democracy work in this country. For any form of government to deny public education would end democracy as we know it."

## 'Separation' defined

That Fritz's scenario is unlikely to occur soon — if at all — is conceded even by supporters such as Tancredo.

"I don't believe we're going to achieve that ideal in my lifetime," he said. "But I want him pushing."

The meaning of "separation" of school and state is summarized in the proclamation and brochures that Fritz has been distributing in Colorado this week.

"Separation," he says, "means ending government involvement in K-12 school attendance, content, teacher and school approval, and financing."

"It's not the business of federal, state and local governments to be involved in Monday school any more than in Sunday school."

## Support collapsing?

He believes separation "is already happening as parents choose private- and home-schooling. . . . As millions more leave the 'public' schools, we'll reach a point at which everyone will want out, and support for government schools will collapse."

Many traditional Christians are already leaving the schools, he said, making Colorado Springs a prime place for recruitment to his cause.



Fritz

"What better place than the hub of evangelical Christian activity and leadership in America?"

But Fritz, a Roman Catholic, says he isn't just aiming at evangelical Christians.

More than a third of his organization's \$275,000 in annual funding comes from Chris Rufer, a Sacramento tomato processor who is a Libertarian.

Fritz claims 1,100 other contributors of many persuasions.

He himself is a former full-time paid organizer for the Libertarian party.

A state-financed school system "cannot address the different expectations that parents hold for their children," he says, because "the politically strongest factions inevitably use schools to shape attitudes and control the content of children's minds."

## Other predictions

If government pulled out, he contends, competition would bring the cost of schooling to 50 percent to 75 percent of government schools. "Separation will allow a \$300 billion tax cut.

"This means two thirds of the population can afford tuition and have \$200 billion left over. We can predict an increase of \$20-\$25 billion in charitable giving to assist the one third of parents who will need help to cover part or most of the tuition."

Fritz, 55, has made predictions before.

In 1991, he founded a for-profit private school in Fresno called Pioneer Christian Academy. He hoped to cut costs to half of government-run schools by having students do much of the teaching. The experiment failed, and the school closed in February 1993.

## Libertarian: Do away with welfare

IR State Bureau

HELENA - The Libertarian candidate for Montana's congressional seat says welfare can't be mended and should be scrapped.

Mike Fellows of Missoula suggested private charities can fill the gap now assumed by public assistance.

"It is time to recognize that welfare cannot be reformed; it should be ended," Fellows said in response to talks on welfare by the Democratic and Republican congressional candidates over the weekend.

In separate speeches to their respective party platform conventions in Great Falls, GOP U.S. Rep. Rick Hill and Democrat Missoula County Attorney and U.S. House candidate Robert "Dusty" Deschamps sparred over what role private charities should play in the welfare system.

Hill, who is seeking a second term as the state's lone representative, said government should give tax credits to charitable donors, spurring private groups' abilities to assume some burden for the welfare system. Deschamps called the idea "crazy" and said private charities could never replace government as the foundations of public assistance.

Said Fellows: "We should look at our tax and regulatory policies," said Fellows "They often seem designed to discourage economic growth. A good paying job is better than any welfare program."

"If Rick Hill is serious about getting government out of the welfare business, I urge him to look at drafting legislation to accomplish those goals," he added.

▲ *The Denver Post*  
Denver, Colorado, June 24, 1998

◀ *The Independent Record*  
Helena, Montana, June 16, 1998