

Libertarian Party of Hawaii

Editor: Roger Taylor

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Our Libertarian Candidates

By Roger Taylor

{This article appeared in the last newsletter but it is worth repeating.} One of our most important functions as a political part is to run candidates under the Libertarian Banner. This time around we have 3 candidates: Lloyd Jeffrey Mallan US Senate (State Wide), Patric Brock US House District 2 (Rural Oahu and neighbor Islands), and Fred Fogel State Representative District 5 (Volcano, Big Island). These are courageous individuals who are willing to stand up for individual liberty. We owe them our thanks and support. Their addresses are:

Lloyd Jeffrey Mallan
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Kauai, 96748

Pat Brock
PO Box 1866
Kihei, Maui 96753

Fred Fogel
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Volcano, Hawaii 96785

Campaign Statement

By Patric Brock

Pardon me, but I feel your question: If elected to Congress, what would be my “top 3 priorities for rural places like North Kohala”, is the wrong question.

The real question is: How can the American promise of freedom and equality for all people finally be realized?

Despite the thoughtful considerations of our nation’s founders, these objectives have never been met. America allowed slavery for nearly 100 years. Initially women were not allowed to own land, and were not allowed to vote for nearly 150 years.

Since then, some people, presumed to have been either disadvantaged or possessing great potential, have been accorded super-equality over other citizens not belonging to government favored groups. This is *still* not equality.

We have become a ‘lottery nation’. We are forcibly & selectively taxed and are rewarded arbitrarily depending on where we live, what our heritage is (or is presumed to be), and what organizations we belong to.

The Libertarian Party professes that all people, as long as they don’t initiate force against others, be treated respectfully & equally by government.

It is my desire to go to Congress and fight for the equality of *all* Americans and bring to fruition true freedom in which we can all live without aggression from, not only other citizens and invaders, but from government itself.

SURVEYING THE POLITICAL AND ECONOMIC CRISIS

By Lloyd Jeffrey Mallan

I do not believe in nor advocate the use of force to achieve political and social goals. To join the Libertarian party, one must take this oath, as I have.

Republicans promise smaller government, but the outcome has resulted in bigger government, bigger deficits, oppressive legislation and increased militarism. The Democrats propose to heal social ills with government intervention, but the result has been entangling bureaucracies while choking the people for which they advocate. The Democrats promote militarism, too. Because money can now be printed without valuation, Congress can spend lavishly for undeclared wars while subsidizing those who put them in power.

The common thread connecting both major parties is the use of force to achieve political and social goals. They assume no liability for military interventions or excessive spending. They have granted themselves, together with corporations, a limited liability status.

Because so many interests lobby Congress to influence the national agenda, what we have is a confused cauldron of political interests. While the purpose of government should be the protection of our rights and property, instead government tends to take away our rights and property.

What we face reaches beyond any particular election. What we face is the deterioration of the economy with many interventions into the affairs of other countries and into the private lives of the American people. Governments are power enclaves and do not reflect idealism, though idealism is used to militarize the population and to advance their interests. For example, the invasions of Iraq and Afghanistan suggested the purpose of protecting the American people. Instead, special oil interests were advanced and protected. A pipeline that was previously denied to corporations by the Taliban is now being built with the blessings of the government in Afghanistan, established by the United States. In Iraq, corporations have had an easier access to the production and sale of oil, while an American sphere of influence and hegemony was established in the Middle East. We are now suffering a crisis of currency. We cannot spend our way out of it. Our economic troubles are the consequence of the devaluation of the dollar. Only if we back the dollar with a valuable commodity like gold can we possibly regenerate our crumbling economy.

We must dissolve the old paradigm that wildly promotes war and economic deterioration. We must restore accountability for currency, corporations and governments to reestablish economic and political stability.

Freedom in our time.

Please contribute your thoughts to the Libertarian party blog.

<http://www.libertarianpartyofhawaii.org/scriptconf/index.html> or log into <http://www.libertarianpartyofhawaii.org/>

Note: Jim Henshaw will become the Executive Director and newsletter editor starting in November.

Why the Hawaii State Campaign Spending Commission Should be Abolished

By Jim Henshaw

It is a peculiar thing -- essentially every political campaign at every level of government is regulated by some agency resembling Hawaii's Campaign Spending Commission. Yet, these agencies are perhaps the most blatantly unconstitutional parts of government imaginable. Why do they exist? Why is hardly anyone challenging the violation of our unalienable rights by bureaucrats in these agencies?

"Violations of our rights?" you might scoff. "Why, these agencies serve a valuable purpose -- they prevent corruption and keep politicians honest. They prevent bribery and payoffs to corrupt officials in exchange for legislative favors, right?"

Not really. Here are some of the indictments against the Hawaii Campaign Spending Commission (CSC) and by implication, every such agency scattered across the country:

1) The CSC violates the First Amendment guarantees of freedom of speech: "Congress shall make no law ... abridging the freedom of speech, or of the press".

"No law" means "NO LAW". Period, no qualifiers or provisos or exceptions. No government official can take away those rights without violating their oath of office.

Yet the CSC tells citizens how much speech, measured by money expended personally or by money donated to candidates, they may engage in, and penalizes anyone who violates those limits. A law telling people how much they can spend engaging in speech is an unconstitutional "abridgment" -- unless, of course, you're a SCOTUS (Supreme Court) justice steeped in the lies and damn lies of court decisions over the years undermining the clear and unambiguous language of the First Amendment.

Free speech is further chilled by the disclosures required of campaign

contributions or other such expenditures for speech. For example, if you're a member of a labor union or work for state government and you contribute to a Libertarian or Republican candidate seeking to rein in the power of those organizations, your job may be in jeopardy. I've worked for state legislators in Hawaii, and I have been warned on several occasions that they wanted me to stop writing letters to the editor critical of certain politicians, and have warned that I was being "disloyal" for not towing the line (aka "toeing the line").

2) The CSC violates Fourth Amendment guarantees against arbitrary and unwarranted searches and seizures: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

If you run for office, or lobby, or do a host of other things related to political speech, the CSC will send you a notice requiring you to report to them detailed lists of your expenditures, contributions, and other financial activities. They will engage in these "unreasonable searches and seizures" without obtaining a "warrant", without having any "probable cause" that you have engaged in pernicious activities, without any "Oath or affirmation" charging you with harming anyone else, and without "particularly describing" the papers, documents, or records they want you to turn over to them. This, again, is blatantly unconstitutional -- unless you are one of the aforementioned SCOTUS justices who has rationalized and explained away the abundantly clear proscription of government powers in this amendment.

3) The CSC violates the Fifth Amendment guarantees against self-incrimination: "No person ... shall be compelled in any criminal case to be a witness against himself". If you more or less politely tell the CSC to take a hike when they demand you turn over documents that could be used against you, you will be fined or perhaps imprisoned for asserting your right to not speak or communicate or give information to the government. Again, blatantly unconstitutional.

4) The CSC violates the Ninth Amendment guarantees that you possess a broad swath of unenumerated rights, basically everything EXCEPT those specifically enumerated powers granted to government: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Clearly, the right to privacy is one of those rights -- if the government thinks it can violate something as fundamental as your privacy for no compelling reason, then what's left for the Ninth Amendment to protect? The right to choose which of your arms the government will inject a GPS tracking and voice recording device?

And yet, if you or I give some money to a politician or a PAC or whatever, the CSC will demand that whomever you give this money to must

divulge how much you gave, your name, your address, and so on -- and then they will put all that information onto publicly searchable records so anyone can pry into and publicize that information, and maybe send some thugs to make your life difficult if you gave to the "wrong" people. This, to me at least, is a blatant violation of one of our most fundamental inalienable rights guaranteed by the Constitution.

OK, that's four out of ten of the amendments in the Bill of Rights violated -- surely that's the end of the CSC's depredations? Nope.

5) The CSC, by demanding that you preemptively provide them upfront with detailed proof of your innocence of wrongdoing in receiving or spending funds toward political speech, is violating the legal principles of presumption of innocence of anyone accused of a crime, and the burden of proof of criminal wrongdoing resting upon the state, not the accused. The CSC is, in fact, presuming that anyone engaging in even minimal levels of political speech is a criminal, and demanding that these "criminals" provide proof that they have violated no laws despite not having even been charged with a crime. This violates, at a minimum, the 5th, 6th, 9th, and 14th amendments: the Sixth says, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed ... and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense." The Fourteenth Amendment says in part, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Oh, and the CSC is also violating the equal protection part above, since some persons or entities can engage in unlimited or nearly unlimited free speech (for example, think of the Star-Advertiser using valuable column inches to endorse their favored sociopaths running for office, with no limit on the value of those endorsements, or of labor unions getting a paid day off for all their members on election day to go out and campaign for politicians who will lavish them with the most goodies.)

If I went through the Constitution line by line, I could probably come up with even more ways that the CSC is violating our rights, but really, isn't the above enough? They've crossed a line they are prohibited from crossing. Someone needs to file papers for public office and challenge the very existence of the CSC by absolutely refusing to cooperate with any of their demands for information in the slightest. If even one person succeeds at doing this and fighting the counterattacks by the government all the way up the chain of command to SCOTUS, it will strike an enormous blow for liberty for everyone in the country.

Comment on Jim's Article above

By Larry Bartley

Good article, Jim and here's more on the CSC. But first, let's abolish the word "abolish" (in your title). The reader assumes it leaves a vacuum or no alternative.

The other disastrous side of the CSC is contributor reporting – it is as unconstitutional as campaign spending limitations.

While treasurer of the LPH in the early 1990's, I set about asking for campaign contributions from LPHers and others. This may have been Jack Schweigert's mayoral campaign.

A couple of potential business-person-type donors said "NO" because then-candidate Fasi (expected to win) only had to look at the contribution records to see who, and how much, had been contributed to candidates against him. Ergo, here is the BARTLEY COMPROMISE (not altogether Libertarian but far better than the *status quo*):

- 1) Candidates and committees keep the same records of names, professions, amounts, etc. of contributors and submit them to the same authorities.
- 2) The authorities review the records for illegal contributions and act accordingly. If the candidates' reports are in order, they remain secret until after the election.
- 3) After the election and the winner is confirmed, only the winner's records are publicly disclosed and all other candidate's contribution records are destroyed without review.
- 4) The winner (incumbent or challenger) never knows who contributed against him/her.

I know, 'COMPROMISE' is a really big word that few Libertarians understand - but it is often better than the *status quo*.

What is not apparent to most people is that the CSC and it supporting laws, intended or not, give the incumbent the advantage. During the 1980s, I read an article stating that there was a higher turnover rate in the Soviet Politburo than in the US Congress.



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