

COLORADO LIBERTARIAN PARTY

CLiPboard

Official monthly newsletter of the Colorado Libertarian Party
720 E. 18th Ave Suite 309
Denver, Co 80203
Telephone (303) 837-9393
December, 1988 issue

Temple Hears the Faith of Liberty

By Mary Lind

Nine days before the election. It had been a perfect day. After meeting with some Denver notables in an educational forum sponsored by the Independence Institute, Presidential candidate Ron Paul stepped out of the limousine in front of the Temple Center. It was 45 minutes before the rally was to start, but already people were streaming in. He smiled, saying, "It looks like we've got a hit."

Over 500 people were seated when State Chairman Mary Lind began the program. Serving as MC for the evening, Lind introduced several Party leaders before Ron Paul took the stand.

First to address the crowd was Jon Baraga, Membership Director and primary organizer of the evening's activities. Baraga spoke optimistically of the LP in the 21st century, and commented on how easy it is to speak to groups when you're a libertarian. "You know the answers because you're standing on principles," he said. Baraga also briefly outlined the election result suppression policy of the News Election Service.

Next up was Doug Anderson, Libertarian on the Denver Election Commission. Anderson spoke of the role of government in society - basically none. Government "can't do a good job, it won't do a good job, and it shouldn't even try," stated Anderson.

Finance Director David Aitken took the mike next. Worried about our nation's future if current government trends continue, Aitken spoke of the need for individuals to uphold the tradition of freedom, "Freedom is dearly won and easily lost."

Finally, Ron Paul took the stage to an enthusiastic standing ovation. He recalled to the group several campaign anecdotes, remembering one particularly absurd incident in Washington at the Jefferson Memorial. Evidently a French journalist wanted a picture of Paul in front of the monument, but they were stopped by a guard. A special permit was required because it was closed for the night by Presidential order. They attempted to get special permission for the simple photograph, but after many phone calls and an hour's wait, they were denied access.

Paul went on to speak of various planks in the Libertarian platform such as freedom of speech, return to a gold standard, slashing government programs and bringing our troops home. He was interrupted repeatedly with applause and cheers.

Paul stated with optimism that Libertarians are likely very close to achieving their goals. He noted that the Revolution and the formation of the United States was not an overnight event, but took 26 years for ideas to become law. The Libertarian Party being 17 years old, Paul believes that soon the movement will start to see drastic gains.

Paul left the stage to another standing ovation, and a crowd containing new and old libertarians was rejuvenated with a renewed thirst for liberty. The evening was a great success, both in funds raised and allies made. There's certainly nothing like a rally to raise morale - morale badly needed for the tasks ahead. As Ron Paul stated, "We can't take liberty for granted anymore. Men who want liberty must work for it."

ERS By Jon Baraga

Election Result Suppression...the ongoing saga of N.E.S. (News Election Service). On October 8, 1988 the DENVER POST published an amplified version of my October Clipboard story about N.E.S. And their refusal to report minority party vote totals in the 1988 presidential election.

Publication of that article triggered outrage and indignation nationwide. Through a herculean word of mouth effort virtually every member of the Libertarian Party and several other minority parties had this information prior to the election.

N.E.S. was condemned by the Denver Election Commission on a 3-0 vote. (One Democrat, one Republican and Libertarian election commissioner Doug Anderson.) Denver mayor Federico Pena also condemned N.E.S. Actions. A variety of public and private organization and individuals nationwide joined in this condemnation. Nonetheless, N.E.S., ABC, NBC, CBS, AP, UPI, and CNN refused to collect or report minority party results in the presidential election. As a result, nationwide vote totals are still not available as of this publication date. (We have received Ron Paul vote estimates anywhere from 400,000 to 800,000 nationwide.)

N.E.S.' excuse was (in the case of the Libertarian Party) that since David Bergland, the 1984 Libertarian presidential candidate only received 250,000 votes 1988 Libertarian Party votes were not worth counting or reporting. Further, N.E.S. And the networks falsely represented the Republican Party and the Democratic Party vote totals as totalling 100%. In effect, if you voted Libertarian (or any other minority party in 1988) your vote did not count. In fact the major media gave the false impression that you don't even exist as a voter. Overall it is estimated that well over a million voters were disenfranchised by this policy. A million votes is more than the combined vote totals for Wyoming, North Dakota, South Dakota, and Alaska.

Election Result Suppression is now fact. However the issue is not dead. In fact this issue may very well be the singularly most important issue the Libertarian Party addresses in the next four years. The very existence of the Libertarian Party as a political party is at risk. Your right to vote is no right at all if your vote is neither counted nor reported to the public. Having to vote Republican or Democrat in order to have a publicly recognized vote sets a dangerous precedent. It is, in effect, vote result censorship by the media.

Election Result Suppression will not go away by itself. Bringing the issue to the attention of the local and national media is one avenue. By far the best solution is to help the libertarian movement grow so large, so fast, that the media has no alternative but to collect and report the results in the future. This effort would also enhance opportunities for increased media coverage

during campaigns. We are still a grass roots movement. Join us in the effort to become a mainstream, popularized movement. Make Election Result Suppression a historical footnote.

Want to Help the Movement? - Here's How

1. Register to vote as a Libertarian. Contact your county clerk or election official.
2. Write letters to the editor. It's simple and easy. Short letters on subjects of current interest are most apt to get published. Need help? Call a board member.
3. Go to city council, local government, or neighborhood group meetings in your area and speak out on whatever concerns you. If you don't say it, they won't hear it.
4. Get appointed to a local board or commission. There are several available in every community. Time requirements are usually minimal. Contact your county clerk or city manager's office.
5. Distribute literature to your neighbors. Call the office to find out what literature is available.
6. Form a city or county organization to pursue libertarian goals. There's strength in numbers.
7. Run for office - anything from dogcatcher to President. Winning is nice, so pick something you and your group can reasonably cope with.
8. Help with the grunt work - staffing fair booths, folding, stapling, and labeling newsletters and campaign literature, petitioning, etc. Call the office at 837-9393.
9. Become an expert on one issue so people in your community will turn to you for advice.
10. Become one of the CLP board members - Party Chairman, Campaigns, Communications, Membership, or Finance Chairman. Yes, it's work, but you'll meet new people and gain new skills, all in the cause of liberty. It's worth it.
11. Become a dues-paying member of the CLP. It's just \$25 per year. We use it for campaigns, literature, printing, office rent, phone, and postage. TANSTAAFL! (There Ain't No Such Thing As A Free Lunch!)
12. Become a monthly pledger of any amount of 3 dollars or more. You'll get a newsy letter from the Finance Chairman each month and the satisfaction of making a significant contribution to the libertarian movement.
13. Make a one-time contribution to the party. Every little bit helps, even if it's only two dollars.
14. Turn your friends into libertarians. Encourage

them to read such classics as Restoring the American Dream by Robert Ringer or Libertarianism in One Lesson by David Bergland. Humor them with the World's Smallest Political Quiz. Pique their interest with Who Is a Libertarian by Dean Russell. Need copies of these? Call the office and we'll tell you how to get them (837-9393).

15. Pick a ballot issue and support the libertarian position on it. Call the office (837-9393) or one of the board members for ideas.

16. Send us names of 3 friends who might be interested in libertarian ideas. We'll send them some information.

17. If you've got other ways of helping the movement, please let us know and we'll print them here.

REMEMBER - Freedom works only if YOU do.

From the Chair By Mary Lind

Greetings

The election is over, and we all saw (or rather, didn't see) that the NES held true to its word.

But we have many more battles to fight - and good fights they will be! The election was a great success for us in the new people we have met and reached with our word. We received great news coverage towards the end of the campaign, and we've found the Denver Post to be a valuable ally. On a national level, we have permanent ballot status in 13 states, and Ron Paul tripled the number of votes Bergland received in 1984, in spite of the fact that there was the lowest voter turnout since 1924. So it should be apparent that we are fighting the good fight, and we are reaching people. Our work is just beginning.

Here's just a few of the projects your Board is working on:

1) Opinion polling: We've got a crew of volunteers to conduct an informal poll to try and determine what many people's reaction to political labels is;

2) Forming county affiliates in every county in the state, aided in part by the state voter registration list we will be purchasing (1026 registered Libertarians at election day);

3) Lining up Libertarians to run for local offices that are up for election in 1989;

4) Building infrastructure and candidates for the 1990 election;

5) Investigating sponsorship of an initiative ("None of the Above", or possibly a change in ballot access laws in the state);

6) Making the CLiPboard a self-supporting entity;

7) Maintaining and building membership;

8) Getting involved in philanthropy, possibly a Libertarian Charity;

And much more. Phew!! That's a lofty list. We need your help. If any of the above items interest you, and if you want to give us a hand, call the office or call me at 686-5541. NOW is the time to capitalize on all the campaign exposure and experience we've had. We have to build our membership and financial base. Thanks for all of your help!

Yours in Liberty,

(signed) Mary Lind

Christmas Gifts

Give yourself a nice Christmas gift, and help the party, too! Here's how.

Just become a dues-paying member of the CLP for one year (Basic - \$25, Sustaining - \$50, Patron - \$100) and you'll receive, absolutely free, one copy of Restoring the American Dream by Robert Ringer. This hard-hitting, hardbound book champions the cause of individual freedom and explains the true causes of scores of government-related problems in a manner that never before has been achieved; in many instances, the author's explanations consist of virtually the opposite of what people have been led to believe by government intellectuals and the media. The author also details specific solutions to these same problems, dramatic yet sensible solutions that not only can put the reader on the right track, but which ultimately could lead to a restoration of the American Dream for the country as a whole.

Need several for friends? Buy a 4-pack for just \$20.00. Single copies are \$6.00 each. Please add \$2.00 per copy for shipping.

Order today! Send your check or money order to the Colorado Libertarian Party, 720 E 18th Ave., #309, Denver, Co 80203.

OOPS!

Some of you may have gotten membership cards with our old address on South Holly. If you mailed it there, you probably got it back. We apologize for the error and hope you'll send your correspondence to us at 720 E 18th Ave., #309, Denver, Co 80203.

Local Election Media Coverage

The Denver Post deserves special recognition for its coverage of Libertarian campaign functions and candidates. The Post is, as far as we know, the only major newspaper in the United States to carry statewide Libertarian vote totals the day following the election. Two of the articles printed below were positioned on the front page of various sections of the Post and Dr. Ron Paul's picture was on the front page of the newspaper the day following his visit. Also, Carl Miller, the new Editorial editor, flew to Houston to interview Dr. Paul on a nationwide satellite feed and wrote the article below as a Sunday op-ed piece.

In addition, both Channel 4 and 7 featured Dr. Paul's visit as lead stories on their 10 pm news shows.

This substantial media breakthrough means we should be able to generate even greater coverage of future libertarian events provided we build an even stronger party and continue to field quality candidates and ideas! The media WILL respond to our efforts!

Sunday, October 16, 1988

THE DENVER POST

Voice of the Rocky Mountain Empire

Maurice L. Hickey, *Publisher*
Chuck Green, *Editor*
Anthony H. Campbell, *Executive Editor*
Joe H. Bullard, *Managing Editor*
Sue F. Smith, *Associate Editor*
William H. Hornby, *Senior Editor*

Libertarians suggest a better way

A ONE-CANDIDATE presidential event last week turned out to be far more informative for the voters than the stage-managed "debate" between George Bush and Mike Dukakis.

Even though neither the Republican nor the Democrat was present, more light was shed on some of the key issues of the 1988 presidential campaign than has been the case in either of the nationally televised Bush-Dukakis matchups.

The event was set up by the Libertarian Party to try to underscore the criticism voiced by the League of Women Voters and others about the format of the presidential debates this year.

The Bush and Dukakis campaigns have been so insistent upon manipulating every aspect of the face-offs, their critics say, that they have become nothing more than political commercials — devoid of substance or spontaneity. The campaigns are defrauding the American voters, the League said as it withdrew from sponsorship of last Thursday's debate.

In the wake of that criticism, the Libertarians invited a couple of journalists — Bill Murchison of the Dallas Morning News and me — to Houston last Wednesday to quiz their presidential nominee, Ron Paul. There were no restrictions on subject matter or follow-up questions during the 45-minute televised program broadcast to C-SPAN and numerous other cable TV stations across the country.

It was billed as "questions you would like to hear Bush and Dukakis answer"

by **CARL
MILLER**

during their debate the following night.

Now, it's easy to say Paul has nothing to lose by being candid, since his chances for the White House are nil. But it's equally true that Paul, a gynecologist and former Republican congressman, isn't all that far from mainstream political thinking on some key issues. His positions, therefore, should be a perfect foil for Bush and Dukakis to use in explaining how they would tackle the tough problems.

For example, Paul said during the Wednesday program that he favors shutting down many of our overseas military bases and forcing our allies to finance more of their own nations' defense. Both Bush and Dukakis have danced around this issue, with neither making it clear how he stands specifically on the effort now under way in Congress to accomplish what the Libertarians are suggesting.

Paul also proposed turning over the Social Security system to a private company, removing the trust fund from the possibility of raids by the Congress and making participation voluntary. That, too, has been suggested in the Congress, but everything Bush and Dukakis have said about Social Security during the campaign

has been designed to convince the voters that each of them is the fiercest protector of the existing system. They don't want to talk about reform.

If Bush and Dukakis had been forced to respond to those and other positions Paul took on the issues, it would have been a great service to the voters.

They weren't, of course, thanks to the stilted and limited format of Thursday night's event. And as a result, Americans learned no more about Bush and Dukakis than they knew after the Republican and Democratic national conventions.

In the early stages of the 1992 presidential campaign, every candidate should be asked to promise that, if nominated, he or she will participate in debates sponsored by a non-partisan organization such as the League of Women Voters, using a format that will elicit meaningful dialogue.

A good procedure to consider would be the one used successfully in Colorado during past senatorial and gubernatorial campaigns. The candidates are asked a specific question, and if they don't answer it directly they are asked it again. Then, they each have a chance to ask their opponent a question on the same subject.

That format has produced lively, informative exchanges in Colorado races and, if adopted for presidential campaigns, would go a long way to restoring voter interest and credibility in national politics.

Associate Editor Carl Miller supervises The Post's regional and national political coverage

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By Jim K
Denver Pos

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TAKE THE INITIATIVE

The right, wish, power, & ability to begin & follow through with a plan or task

A Special Report - Colorado Taxpayers Union, Inc. - December 1988

Tax-limit supporters sue Romer

By Peter G. Chronis, Jennifer Gavin and Jeffrey Roberts

Denver Post Staff Writers

A Colorado taxpayers group, angered by Gov. Roy Romer's campaign against Amendment 6, filed a federal lawsuit Friday, accusing Romer of abusing his power.

Colorado Taxpayers Union Inc. and seven of its members claim Romer violated their rights under the U.S. Constitution and the Colorado Campaign Reform Act.

Romer's actions exceeded the scope of his powers and have had a "chilling effect" on the initiative, the plaintiffs claim. They want the federal court to force him to reimburse the state an unspecified amount.

"It's a constitutional issue," said group President Ray Walton. "Our civil liberties are seriously jeopardized." A governor may lobby against bills in the legislature, but "has no right to interfere with an initiative."

Romer's influence can attract so much money to oppose an initiative that citizen groups would be overwhelmed, Walton said. "For every dollar we raise, they can spend \$100."

Several federal court cases, including two in Colorado, have held that government officials who use their power to campaign against initiatives abridge citizen rights, the complaint noted.

Romer's use of state stationery and public relations workers to oppose the initiative is improper, said plaintiffs' attorney William Robinson III.

But Romer said, "All expenses incurred in connection with my efforts against Amendment 6 are being paid for either by Citizens for Representative Government, the organization formed by Colorado business and civic organizations to oppose the passage of the amendment, or through in-kind contributions from various Colorado corporations.

"I did not shed my First Amendment rights when I was inaugurated as governor and believe I have the right and responsibility to determine where I can best spend my time as the state's chief executive.

"In my opinion, this is a frivolous lawsuit being filed as a last-minute act of desperation."

Several other officials blasted the suit, including Denver Mayor Federico Peña and Colorado Senate President Ted Strickland, who spoke at a U S West-sponsored rally against Amendment 6 on the 16th Street Mall Friday.

Energetic crowd

Speaking before an energetic crowd of 250 to 300, mostly from Emily Griffith Opportunity School and the University of Colorado, Peña said Colorado is not a state where citizens are so fed up with elected officials that a public vote is needed on every tax.

Energetic crowd

"This is not the kind of state that is known as a high-tax state. Because the people of Colorado, who are bright, intelligent, thoughtful people, are electing the right kind of people . . . we have not had that kind of explosive tax policy."

"This is not the kind of state that is known as a high-tax state. Be-

cause the people of Colorado, who are bright, intelligent, thoughtful people, are electing the right kind of people . . . we have not had that kind of explosive tax policy."

Strickland opposed

Strickland said Amendment 6 would strap schools and darken the futures of students who are too young to vote against the proposal.

"Universities and colleges around Colorado would stagnate in economic despair," warned Chris Drummond, a CU student from Littleton. He cited a study by the Colorado Commission on Higher Education that shows Amendment 6 would cut higher education funds by \$16.4 million over the next six months. In 1989 and 1990, it would cut \$41 million.

But Ken Dupuis of Parker, who was walking by, said he's in favor of the amendment. "If the politicians are against it, I'm for it."

Also Friday, Amendment 6 author Douglas Bruce continued to insist that his measure would force the trimming of wasteful government programs but wouldn't require the massive budget cuts that state officials have predicted.

Bruce said there is enough waste in highway maintenance programs alone to more than compensate for the \$158 million in state income taxes officials have estimated would be cut by Amendment 6.

Seniors speak out

But senior citizen groups joined the growing list of business and political groups arguing against the amendment. At a Capitol news conference, members of three seniors' groups said they were worried the measure would force cuts in long-term health care programs, state aid to nursing homes and law enforcement.

Legal form immolated.

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
COLORADO

Civil Action No. 88-1818

COLORADO TAXPAYER'S UNION, INC., David Aitken, Vern Bickel, Pasquale Francomano, Janet Gustafson, Clyde Harkins, Gene Levy, and Basil R. Walton, Jr., Plaintiffs, v. ROY ROMER, individually, and as GOVERNOR OF THE STATE OF COLORADO, Defendant.

COMPLAINT

PLAINTIFFS above-named by and through their attorneys, complain as follows:

INTRODUCTION

The power of the initiative under the Constitution of the state of Colorado is reserved only to the people of the state. Citizens for over a decade initiated by petition proposals to amend the state constitution with regard to taxation. These initiatives are invariably highly favored by a large majority of voters at the outset but also fail because of the intervention of governmental officials who use the power of their offices and taxpayer resources to propagandize against the initiatives. This is an abridgment of fundamental citizen freedoms, Judge Richard P. Matsch held in Mountain States Legal Foundation v. Denver School District #1, 459 F. Supp. 357 (D.Colo. 1978). In a related case, Judge Matsch's decision in Campbell v. Joint Districts interpreted that portion of the Colorado Reform Act, found at Section 1-45-116, Colorado Revised Statutes, and was affirmed by Judge William E. Doyle speaking for the United States Court of Appeals, Tenth Circuit, 704 F2d 501 (1983. In bringing this action in the waning days of the 1988 election campaign the Plaintiffs seek to invoke the power of the court to make specific findings and order that will not only reimburse the public treasury in this instance but also enable citizen initiators to obtain prompt injunctive relief in future election years.

I. JURISDICTION & VENUE

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C., Sections 1331, 1343(3), and 2201, et seq. and 42 U.S.C., Section 1983.

2. The jurisdiction of this this Court if invoked to secure declaratory and injunctive relief for the protection of rights pursuant to 28 U.S.C., Section 1343, 42 U.S.C., Section 1981, 42 U.S.C., Section 1983, Article IV, Section 4 of the United States Constitution, and the First, Ninth and Fourteenth Amendments thereto.

3. The unconstitutional practices alleged herein were committed in the Federal Judicial District for the State of Colorado.

4. The amount in controversy, exclusive of interest and costs, exceeds \$10,000.

II. PARTIES

5. The Colorado Taxpayers Union, Inc. also known as the Colorado Union of Taxpayers (hereinafter "CUT"), is a Colorado non-profit corporation dedicated to being a counter balancing force to the tax and spend lobbies. Among its members are residents, taxpayers, initiative petition signers and registered voters of the state of Colorado.

6. Plaintiffs Colorado Taxpayer's Union, Inc., David Aitken, Vern Bickel, Pasquale Francomano, Janet Gustafson, Clyde Harkins, Gene Levy, and Basil R. Walton, Jr. are all

resident, taxpayers, initiative petition signers and registered voters of the state of Colorado.

7. Roy Romer, Governor of the state of Colorado, is the chief officer of the executive department of the government of the state of Colorado, organized pursuant to article IV, Section 1 of the Colorado Constitution.

8. Defendant Roy Romer, individually, is a resident of the state of Colorado

9. Plaintiffs reserve the right to amend and add other parties plaintiff and defendants in conformity with the rules.

III. STATEMENT OF CLAIM
FIRST CLAIM FOR RELIEF

10. Amendment No. 6 on the ballot of the general election of November 8, 1988, is entitled "An Amendment to Article X of the Colorado Constitution to require voter approval for certain increases in state and local government tax revenues, to restrict property, income, sales, and other taxes, and to limit the rate of increase in state spending." Amendment No. 6 is a citizen initiated amendment placed on the ballot pursuant to Article V., Section 1, of the Colorado Constitution.

11. Roy Romer in his capacity as Governor of the State of Colorado utilized the prestige and power of his office campaign against Amendment 6, authorized the expenditure of public funds and/or contributions in kind of state facilities and materials, as well as his time as a public employee and the time of other public employees, in a campaign to defeat Amendment No. 6 as evidenced by Exhibits A and B attached hereto and incorporated herein by reference.

12. A portion of the funds and resources contributed to the campaign against Amendment 6, including public employee salaries, are being involuntarily financed from monies provided as taxpayers by Plaintiffs.

13. These actions by the Defendant Roy Romer, as Governor, violate fundamental liberties of the Plaintiff's guarantee of a republican form of government, their freedom of speech, and their right to petition the government for redress of grievances. Said rights are protected by Article IV, Section Four of the United States Constitution and the First, Ninth and Fourteenth Amendments thereto.

14. Defendant Roy Romer, as Governor, has acted under color of state law, statute, regulation, custom or usage to deprive the Plaintiffs of rights, privileges and immunities secured by the Constitution and laws of the United States aforementioned.

15. Defendant Roy Romer, individually, knew or reasonably should have known, that the improper use of his office to campaign against the citizen initiative and the appropriation of public resources would violate the constitutional and civil rights of the Plaintiffs.

16. Defendant Roy Romer, individually, should reimburse the treasury of the state of Colorado for all sums spent by him or under his direction from the state treasury for public employees salaries, including his own, and the reasonable value of other public resources improperly devoted to the campaign against Amendment 6, together with Plaintiff's attorney's fees as provided by statute, which sums Plaintiffs believe to be well in excess of \$10,000.

SECOND CLAIM FOR RELIEF

17. Plaintiffs incorporate by reference

paragraphs 1 through 18 of this complaint, and make the same a part hereof as if set forth in full.

18. The foresaid actions of Defendant Roy Romer as Governor, has had a chilling effect on the rights of Plaintiffs to petition the government for a redress of grievances in violation of their rights under the aforesaid provisions of the United States Constitution.

THIRD CLAIM FOR RELIEF

19. Plaintiffs incorporate by reference paragraphs 1 through 18 of this complaint, and make the same a part hereof as if set forth in full.

20. The aforesaid actions of Defendant Roy Romer, as Governor, has violated Colorado Revised Statutes, Section 1-45-101, et seq., of the Colorado Campaign Reform Act.

21. Defendant Roy Romer, individually, should likewise reimburse the treasury of the state of Colorado for his ultra vires acts.

PRAY FOR RELIEF

22. WHEREFORE, Plaintiffs pray for relief as follows:

A. For judgment finding that Roy Romer, as Governor of the state of Colorado, deprived the Plaintiffs of rights guaranteed by Article IV, Section 4, of the United States Constitution, and the First, Ninth and Fourteenth Amendments thereto, in violation of 42 U.S.C., Section 1983.

B. For judgment finding that the acts of Defendant Roy Romer, as Governor of the state of Colorado, had a chilling effect upon their initiative on behalf of Amendment 6 and thereby further deprived them of their rights in violation of the aforesaid provisions of the United States Constitution.

C. For judgment finding that Defendant Roy Romer, as Governor of the state of

Colorado, by violating the Colorado Campaign Reform Act, acted ultra vires in violation of the rights of the Plaintiffs.

D. For mandatory injunction against Defendant Roy Romer, individually to pay to the treasury of the state of Colorado those amounts appropriated and expended in violation of the Plaintiffs' civil rights for which he individually is liable pursuant to 42 U.S.C., Section 1983.

E. For mandatory injunction ordering Defendant Roy Romer, individually, to pay to the Plaintiffs, their reasonable attorney's fees and costs and/or to reimburse the Treasurer of the state of Colorado therefor.

F. For such further and different relief as to the Court may seem just.

Respectfully submitted,
ROBINSON & ROBINSON, P.C.
Attorneys for Plaintiffs

By: (Signed)
William F. Robinson, III
Registration No. 4010
2865 South Colorado Boulevard, Suite 300
Denver, Colorado 80222
(303)758-1066

Plaintiffs' Address:
Colorado Taxpayers Union, Inc.
a/k/a Colorado Union of Taxpayers
P.O. Box 28050, Station 16
Lakewood, Colorado 80228

Other Plaintiffs addresses are listed

Exhibit A: A letter from Roy to Employees on Executive Residence letterhead
Exhibit B: A news advisory on State Stationery from Roy's Press Office

* * * * *

-----Please Tear Out and Mail-----

Take the INITIATIVE

Join to defend our inherent freedom. Participate to help make sure that our rights are never again usurped, abused, misused or denied.

- ___ \$ 20.00 CUT-Colorado Union of Taxpayers - Membership and Media Kit
- ___ \$ 50.00 Membership, Media Kit, and \$30.00 to CUT's Defense Fund
- ___ \$100.00 Membership, Media Kit, Defense Fund, Plaintiff in Lawsuit
- ___ \$ _____ Additional monetary contribution to support individual freedom
- ___ I will write letters to the Editor and make other personal efforts
- ___ I will protest local violations, phone me, collect
- ___ I have information and can testify against Governor Romer
- ___ I am a Shareholder of an organization that gave funds to defeat No. 6

Name

Address

City/State/Zip

Phone

Send To: Colorado Taxpayers Union, Inc. P.O. Box 28050, Stn 16, Lakewood, CO 80228
(303) 969-0692

THE RIGHT TO PETITION THE GOVERNMENT FOR THE REDRESS OF GRIEVANCES

Although the right to petition and the right to free speech are separate guarantees, they are related and are generally subject to the same constitutional analysis. *Wayte v. United States*, 470 U.S. 598 (1985).

The right to petition the government for a redress of grievances is cut from the same cloth as the other guarantees of the First Amendment, and is an assurance of a particular freedom of expression. *McDonald v. Smith*, 472 U.S. 479 (1985).

A plaintiff is entitled to relief under 42 U.S.C. sec 1981 for an interference with his right to petition the government for redress of grievances. *Inada v. Sullivan*, 523 F.2d 485, 489 (7th Cir. 1975). The First Amendment does not permit a court to tolerate even minimal burdens on protected rights where no legitimate government interest is truly being served. *Community-Service Broadcasting v. F.C.C.*, 593 F.2d 1102, 1122 (D.C. Cir. 1978).

Public officials do not have authority to use public resources to urge rejection of a people's petition. *Roxanne Campbell v. Arapahoe County School District #6*, 90 FRD 189 (10th Cir. 1981). In fact, the Court was very specific at Page 194.

"In this case it is clear that the defendants sought to obtain a negative vote on a question that went well beyond anything they could decide in their respective roles. None of the governmental entities which are defendants in this case has the power to present a constitutional amendment to the Colorado electorate. Such a proposal can be made only by a referendum from the state legislature or on the initiative of the people through the petition process. The content of the state constitution is within the direct control of the people of Colorado and only they can be considered to have an official concern about changing it. It is the people who are the principal in the agency relationship which is the root of the republican form of government. Those who have a temporary hold on delegated power have no official concern in retaining it. Therefore they have no authority to use public resources to urge rejection of a people's petition.

The defendant's argument that their actions were authorized... requires acceptance of not only a legislative intent but also the constitutional power to interfere with the right of the people to restrict the authority of those who govern them."

The use of power or publicly owned resources to propagandize against a proposal made and supported by significant number of those who were taxed to pay for such resources, is an abridgement of fundamental freedoms of speech and right of people to petition government for redress of grievances. U.S.C.A.Const. Amends 1, 14. *Mountain States Legal v. Denver School Dist.*, 459 F Supp 357 (1978).

The 10th Circuit Court of Appeals has further ruled that precluding public officials and entities from interfering with a citizens proposal to amend the State Constitution does not violate their First Amendment rights. *Roxanne Campbell v. Joint District 28-J*, 7094 F.2d 501 (1983).

Romer abused power in fighting Amendment 6

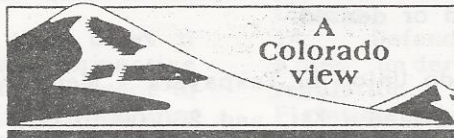
By Ray Walton

THE governor enjoys the most powerful position in the state of Colorado. His office commands the utmost respect, trust and influence. It provides him the inherent strength to turn the tide of events and to make or destroy issues.

Before Gov. Roy Romer decided to organize and lead the campaign against the tax-limitation Amendment 6, the polls showed the citizens favoring the proposal two to one. Once he began overseeing the most vicious and intimidating salvo of scare tactics in recent Colorado history, pressuring business interests and lobbying citizen groups, the amendment plummeted and was soundly defeated.

The amendment did not have a chance! It could have originated in heaven itself and not withstood the vehemence and intensity of Romer's attack. Certainly, no citizen petition could have survived. He was the bully and his special-interest friends were the gang. He pounded his victim senseless and instilled fear in the hearts of the crowd.

Romer said the amendment was a bomb and would destroy Colorado's economic future, but he did not tell us that Milton Friedman and Arthur Laffer, distinguished



economists, said it would be good for Colorado. He characterized Douglas Bruce, the leader of Amendment 6, as a "terrorist." He used his office and influence to promote a campaign in which vast sums of money from special interests funded a media blitz that deliberately misled the people of Colorado.

We remind the governor that his powers, duties and responsibilities flow directly from the same Constitution that guarantees "We the People" the right of peaceable petition. The Colorado Constitution specifically states in Article 2, Section 1, that "All political power is vested in and derived from the people, that all government of right originates from the people; is founded upon their will only." He swore to uphold that constitution when he was inaugurated. His office is a trusted and privileged resource serving all the people of Colorado. It is not a private fiefdom to

perpetuate his personal interests, his untested economic development agendas, or the interests of his cronies.

His office is not a tool to interfere with or subvert the constitutional wishes of the sovereign citizens. It is not a means to intrude his personal will against citizen petitioners. The governor is not our king, but rather only an elected official with a temporary hold on delegated power. The law further makes it clear that the use of salaried time and public resources cannot be drawn upon to fight taxpayers themselves over a constitutional initiative.

The governor knowingly allowed and encouraged his office to be used for purposes of intentionally violating our sacred constitutional and sovereign rights. He has trampled upon, scorned, transgressed and made a mockery of our peaceable right to petition. He has violated the very foundation upon which this great country was formed — "We the People." We are incensed and outraged by this abuse of public office.

The Colorado Union of Taxpayers and other aggrieved petitioners have filed a lawsuit against Gov. Romer. CUT desires other parties who believe their rights as citizens have been violated to join the suit.

Ray Walton is president of Colorado Union of Taxpayers, a non-profit public-interest firm.

Libertarian proposing deep federal cutbacks

By Carl Miller
Denver Post Political Editor

For voters who aren't satisfied with either Republican George Bush or Democrat Mike Dukakis, the Libertarian Party offers an alternative candidate with vastly different positions.

Ron Paul, 53, a former Republican congressman from Texas who is the most active third-party candidate running for president this year, is campaigning on almost a purist libertarian platform promoting free enterprise, broad individual liberties and a sharp reduction of taxes and government activity.



Ron Paul

On some issues, Paul's libertarian themes reflect current Washington stances. For example, he supports a constitutional amendment requiring a balanced federal budget; he wants to make Social Security actuarially sound and protected from raids by Congress; and he favors requiring America's allies to pay a larger share of their nations' defense burden. On other issues, however, Paul has taken stands that are in sharp contrast to the positions of both the Republican and Democratic parties:

- He would repeal the federal income tax and most other federal levies, relying solely on a national sales tax to finance essential government services.

- He would abolish the U.S. Postal Service, leaving the mail system in the hands of private en-

terprise.

- He opposes minimum-wage laws, the welfare system and protective legislation for women and children. The party says these programs "are privacy-invading, paternalistic, demeaning and inefficient."

- He opposes any government subsidies to business, labor, education, agriculture, science, broadcasting, the arts, sports or any other special interests.

- He opposes any restrictions on immigration into the United States.

- He opposes forced jury duty, preferring only voluntary service.

- He would repeal all anti-trust laws.

- He would abolish all federal "secret police agencies," including the CIA and the FBI.

- He would decriminalize the use of drugs.

- He would cease all U.S. intervention in the Middle East, including military and economic aid.

- He would prohibit U.S. involvement in "internal conflicts" in Central America and the Caribbean.

- And he opposes alliances between the U.S. government and the People's Republic of China or the Republic of China on Taiwan. "China should not be considered as part of America's defense perimeter," according to the party platform.

Paul and his party also believe that American voters should have the opportunity to abolish political offices during elections, if they wish. Libertarians propose placing a "none of the above" category for each position on the ballot, and if that category then receives a plurality of votes, the position would be eliminated.

Monday, October 31, 1988

Libertarian candidate cheered for goal of smaller government

By Jim Kirksey
Denver Post Staff Writer

Ron Paul brought the Libertarian message of tax cuts, personal freedoms and smaller government back to Colorado where it began in 1971, and it played well to an enthusiastic crowd of about 500 Sunday night.

Paul, the Libertarian Party's presidential candidate, opened his final swing of the 1988 presidential campaign with a rally at the Temple Center, 1595 Pearl St. He will concentrate on the Western states, using Denver as a hub, until the election a week from Tuesday.

The former four-term Republican congressman from Houston told the friendly crowd that the original libertarian thinkers — Samuel Adams and his friends — sowed the ideas that led to the founding of this country over a 25-year period that culminated with

the Revolutionary War.

He said if it takes 25 years for the ideas of libertarianism to bear fruit, the 17-year-old party should begin its harvest in the coming decade.

Paul said in an interview before the rally, however, that his party has no chance to win this presidential election, yet a party is being built that he thinks can win elections in the future, possibly in the 1990s.

"Nobody talked about the Republicans doing much in 1856," he said. "Yet, there was a need for another approach. . . . Our purpose is to build a party and win elections."

The Libertarian Party is different from other third-party campaigns of recent times in that "we see ourselves as participating in

Please see PAUL on 4-B

Libertarian raps other parties

PAUL from Page 1-B

something much more serious than a ego trip for one individual."

He said, "It's a philosophy as well as a party. It's a philosophical alternative to the nonsense that Republicans and Democrats spout out."

He said in the early stages of the campaign, when the race between George Bush and Mike Dukakis looked close, he felt the Libertarian Party could make an impact in the final results. But now, he thinks that is possible only in certain close states such as California.

"We have to give a lot of credit to Bush and Dukakis," Paul told the rally. "They've turned out to be our two best recruiters."

He said many of the people who don't vote aren't apathetic. "They're sick and tired, and they figure it doesn't make any difference." The Republicans and the Democrats don't offer a choice, he said.

He also reiterated party posi-

tions such as abolishing the income tax, going back on the gold standard, balancing the budget by cutting spending and trimming government, and legalizing drugs.

He said Americans spend 5.3 million hours a year just providing documents for the federal government for tax purposes. This information is then used to intimidate the citizenry, he said.

"The people in Washington aren't smart enough to know how to spend your money," he told the crowd.

Paul called for a reasonable foreign policy, one that would end foreign intervention and return all American military personnel to this country.

"If we don't think we should intervene in the marketplace or in private lives, we certainly don't think we should intervene in the internal politics of foreign governments."

"What is the role of government? It is very, very limited. It is the protection of liberty."

Letters to the Editor

Editor:

Thank you for the CLiPboard, though I think it should be called the CLiPclop - journal of Colorado's dark horse party...

I am writing with regards to Jon Baraga's lead off article in the October 88 issue. In that article he said "Abe Lincoln would be proud to have spoken there..." Lincoln adoration and adoration of mindless authority seem to go hand in hand. CLiPboard is (was) the last place I'd have expected to read positive comments about old Abe. To refresh your and Mr. Baraga's memory, Lincoln instituted the draft, the income tax (later found to be unconstitutional by the Supreme Court at the time), a powerful central government and, of course, the destruction of "states rights". The very term "military industrial complex" was invented by Lincoln, and, in a letter to Horace Greeley he said: "I care not a whit about the slaves, I care only to preserve the union". Now, intergovernmental squabbles don't concern me too much, except that they always enslave their "subjects" to pay for and fight the wars. Would the Confederacy been any better? We'll never know, but I do know that the more broken up governments are, the weaker they are with regards to their innate ability to destroy liberty. Lincoln was no hero, Mr. Baraga. Review history then read the LP "Statement of Principles". To Lincoln, individuals were disposable. Certainly, he is not someone to admire. Thank you for your time.

(Signed) Tom Preble

Mr. Baraga's Reply

The mere mention of a historical figure's name does not constitute adoration. The particular reference to Abe Lincoln was preceded by comments regarding the Temple Center's architectural qualities. I share your disdain for Lincoln's political beliefs. Frankly I had included old Abe as a "teaser". My original plan was to have "Abe" deliver press releases to the media on the Friday prior to the Ron Paul Rally. Lincoln was the last third party candidate to win the Presidency and it was Halloween weekend. Further, I was going to have old Abe show up at the rally, renounce his previous politics, and endorse Ron Paul. Alas, as with any major event, there were hitches in the plan. Abe's still safely in his grave. Thanks anyway for your contribution to the CLiPclop. Keep those letters rolling.

(Signed) Jon Baraga

New Feature!!

Beginning next month, we will be including a special op-ed feature. Articles welcome! Sharpen your pens and pencils (or your word processor) and have fun! 750 Words maximum. Deadline is the 20th of the month preceding publication.

Advertisements

Wear the Message of Freedom!

High quality T-shirts - 100% pre-shrunk cotton. "Legalize Freedom", "Question Authority", "I'm from the Government, I'm here to help you.", "None of the Above", "Screw the IRS". \$10 Plus \$1.50 postage. Please indicate size - S, M, L, XL. Make checks payable to the Colorado Libertarian Party, 720 E. 18Th Ave., #309, Denver, Co 80203.

Interested in Co-Dependency, recovery, and individualism? Paul Angel goes to a Co-Dependents Anonymous meeting and finds Co-Dependency Theory and the meetings to be very helpful, but the Twelve Steps to be incredibly collectivist. He would like to discuss this issue with anyone else who is interested. 860-7417.

Calendar

2nd Saturday - Board Meeting. October 8th, at the CLP office, 12 noon.

2nd Wednesday - Cocktail Party. At Jon Baraga's, 123 S. Emerson, in Denver on December 14th. Cocktail party at 7:30. It's potluck; please bring some chips/dip or vegies to munch on.

2nd Saturday - Board Meeting. December 10th, 3pm, at Penn's office -7475 Dakin St. It's the 6 story office building at the intersection of Pecos and US 36 (the Boulder Turnpike), northeast quadrant.

Saturday, December 10th, the CLP is hosting a thank-you dinner for Doug Bruce, author and instigator of Amendment 6, the Taxpayer's Bill of Rights (TABOR). It will be held at the China Terrace restaurant, 8787 Sheridan Blvd at 6 pm. Anyone wishing to join us should contact Mary Lind, 303-686-5541.

Election Results

In a nutshell - Rob Martin - Mesa County Commissioner - 5.3 percent; David Aitken - State House District 6 - 2.4 percent; Ron Paul - President - 1.1 percent, 15723 votes.

Russell Means Visits Boulder

Russell Means, former Indian activist, former LP presidential contender, and libertarian activist addressed an enthusiastic crowd of more than 400 on October 19th at a rally sponsored by Radicals for Capitalism, a campus libertarian group, and Oyate, a native American organization.

As always, Russell was very quotable. Among the many gems:

"I am a born again primitive ... Indians are the true anarchists."

"Libertarians are the first true allies of the Indians."

"If we have individual rights, we don't need separate women's rights, blacks rights, indian rights."

Russell recounted a story involving several Indian friends. It seems that in 1986 he and his friends attempted to build an Indian monument adjacent to the Custer monument in Montana. At first they were challenged by the National Park Service. Eventually the Indians prevailed and were allowed to erect the monument. Russell commented "It was only right. After all, we won."

Russell Means' message is that voluntary action within the libertarian movement is our best hope for a freer civilization in the 21st century. He is a powerful speaker strongly committed to stimulating libertarian activism. We would do well to attract other leaders with similar qualities to the movement.

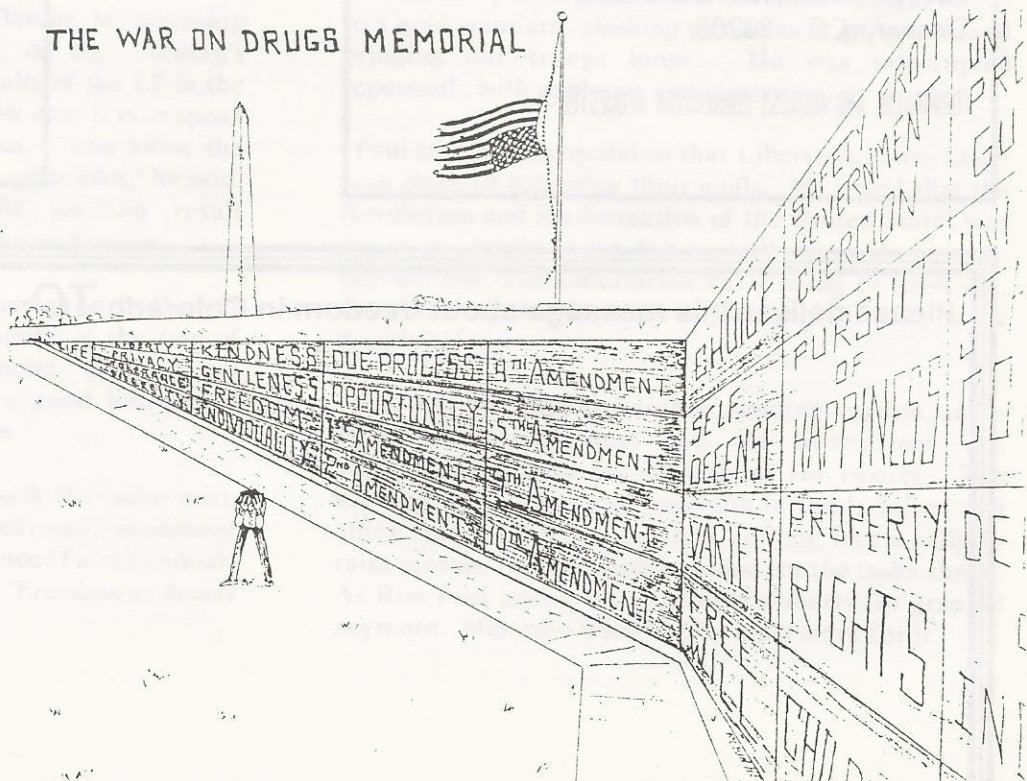
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Registered Libertarian Summary

Here's a summary of the number of registered Libertarians throughout the State. If your county's not on it, please consider helping out by going down to the County Clerk and Recorder's office, buying the list, and sending it to us. In the less populated counties, it takes about 15 minutes and 50 cents.

Adams 34
Denver 144
Jefferson 94
Boulder 73
Montrose 3
Unknown 26

Eagle 3
Arapahoe 56
Delta 2
Summit 1
Douglas 21
Total 458

CLP officers and Libertarian contacts:

Mary Lind, Party Chairman 686-5541
Jon Baraga, Membership Chair 722-1626
Ron Bain, Communications Chair 323-6853
(Send materials for CLiPboard to P.O. Box 522, Delta, CO. 81416)
David Aitken, Finance Chair 831-4334
CLP Office & Party HQ 837-9393
720 E. 18th Ave., Suite 309, Denver, CO. 80203
Mesa County Liberty 243-1088
Steve Thurman, Chairman,
Organizing Grand Junction area
Delta-Montrose Liberty 323-6853
Ron Bain, Chairman
Organizing Delta and Montrose Counties
Bill Robinson, Ron Paul Contact 756-6601
Penn Pfiffner, Nat Com Contact 427-4357

Cocktail Party

The Denver Cocktail Party, held on the 2nd Wednesday of each month, needs a new home starting in January. If you'd like to host this gathering of 10 to 20 libertarians each month, please call the office, 837-9393, or one of the board members.

Colorado Libertarian Party
720 E. 18th Ave. Suite 309
Denver, CO 80203

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