



# Santa Clara Libertarian

July, 1993

Volume 21, Number 7

We are not subjects of a State founded upon law, but members of a society founded upon revolution.  
—from *The Dispossessed*, by Ursula K. LeGuin

## Libertarians Help Defeat Measure A (Orchard School Bond)

by Ed Wimmers

On Tuesday, June 8, 1993, an election was held in the Orchard School district for Measure A, a 20 million dollar school bond that required a 2/3 vote to pass. Measure A was defeated (with only 53.1% of the vote). This is a satisfying victory for the LP since we were the only group opposing Measure A. Measure A is a replay of the April 92 election in which a similar bond was also defeated. Here are the vote totals:

	June 93	April 92	Difference
Yes	144 (53.1%)	125	19
No	127 (46.9%)	85	42

In April 92, we opposed Measure A with a ballot argument written by Dave Thomas and Jon Petersen. In June 93, we stepped up our opposition. Not only did we reuse the ballot argument (with slight modifications), but we also mailed a pamphlet to every household with a registered voter. It is gratifying to see that (at least as a partial result of our stepped-up opposition) 42 of the 61 addition votes were NO votes. This pamphlet was a real team effort and it is worth thanking those who participated: Mark Hinkle for starting the ball rolling with a fundraising letter; Ed Wimmers for writing the original draft of the pamphlet; Jon Petersen for polishing it; Don Cormier and Sam Milam for laying it out; Jon Petersen, Marianne Petersen, Ed Wimmers, and Matt Singh for mailing it; and, most of all, thanks to the contributors who made it all possible.

The LP of Santa Clara County was mentioned by the San Jose Mercury News in articles both before and after the election with a very brief summary of our ballot arguments. We can be proud of our victory against measure A. This victory represents another step in the direction of improving educational opportunities for the next generation by reducing reliance on government run schools.

## Buck Hunter Shoots Off His Mouth

Dear Buck

How's the best way to catch deer? —Ready to Hunt

Dear Ready to Hunt

Offer the little darlin' a drink.

## Unalienable Wishes

A recent Rush Limbaugh show quoted a mid-March 1993 column on rights by Walter E. Williams, a nationally syndicated columnist and economist on the staff of George Mason University. In the column, Mr Williams responded the statement:

"People have a right to food, decent housing, and medical care."

This is his response:

"This is a stupid statement.

"A right is something that exists simultaneously among people. My right to speech, religion, and to move about freely imposes no positive obligation on you. My exercising these rights in no way diminishes your right to exercise the same rights. You have only the 'negative' obligation of non-interference.

"So-called rights to food, housing, and medical care are something entirely different. In order to deliver on a 'right' to food, housing, and medical care, government must burden others with the obligation of providing it. As a consequence, those burdened are forced to have less food, housing, and medical care.

"If this lame notion of rights were applied to free speech and freedom of religion and movement, you would be obliged to provide me with an auditorium if I wanted to speak, a church if I wanted to worship, and airplane fare if I wanted to travel.

"A better term for what we call rights nowadays is wishes."

## Tired of Sitting At Home?

We need someone who's willing to attend local events (political rallies, city council meetings, protests, trials, hearings, etc.), and write eye-witness reports for this newsletter. This isn't a paid position, but money isn't everything, and you can choose your own title. Anybody interested?

## Santa Clara Libertarian

This newsletter is the monthly publication of the Libertarian Party of Santa Clara County, a non-profit organization. A membership application may be found in this issue. Interested parties may contact our office or visit one of our scheduled meetings (listed in the Calendar of Events) for more information. You may also log onto the Liberty Bell BBS at 408 243-1933, or send comments to newsletter editor Donald Cormier at 439 S. White Road, San Jose, California 95127. (408) 254-2746

### Deadline for Submissions

Second friday of the month prior to the month of publication.

### Subscriptions

A subscription to the Santa Clara Libertarian costs \$15 per year. A subscription is included with any membership available on the Membership Application.

### Advertising Rates

A business card size ad in the Santa Clara Libertarian costs \$15 per month or \$150 per year. A full page ad costs \$100 per month. Classified ads are 15 cents per word, with a minimum of \$5. Other sized ads are negotiable.

### Santa Clara County Libertarian Party Officers

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# A Letter to Thomas F. Bayard

(An excerpt)

by Lysander Spooner, (1882)

“... what is the Constitution? It is, at best, a writing that was drawn up more than ninety years ago; was assented to at the time only by a small number of men; generally those few white male adults who had prescribed amounts of property; probably not more than two hundred thousand in all; or one in twenty of the whole population.

“Those men have been long since dead. They never had any right of arbitrary dominion over even their contemporaries; and they never had any over us. Their wills or wishes have no more rightful authority over us, than have the wills or wishes of men who lived before the flood. They never personally signed, sealed, acknowledged, or delivered, or dared to sign, seal, acknowledge, or deliver, the instrument which they imposed upon the country as law. They never, in any open and authentic manner, bound even themselves to obey it, or made themselves personally responsible for the acts of their so-called agents under it. They had no natural right to impose it, as law, upon a single human being. The whole proceeding was a pure usurpation.

“In practice, the Constitution has been an utter fraud from the beginning. Professing to have been "ordained and established" by "we, the people of the United States," it has never been submitted to them, as individuals, for their voluntary acceptance or rejection. They have never been asked to sign, seal, acknowledge, or deliver it, as their free act and deed. They have never signed, sealed, acknowledged, or delivered it, or promised, or laid themselves under any kind of obligation, to obey it. Very few of them have ever read, or even seen it; or ever will read or see it. Of its legal meaning (if it can be said to have any) they really know nothing; and never did, nor ever will, know anything.

“Why is it, Sir, that such an instrument as the Constitution, for which nobody has been responsible, and of which few persons have ever known anything, has been suffered to stand, for the last ninety years, and to be used for such audacious and criminal purposes? It is solely because it has been sustained by the same kind of conspiracy as that by which it was

established; that is, by the wealth and the power of those few who were to profit by the arbitrary dominion it was assumed to give them over others. While the poor, the weak, and the ignorant, who were to be cheated, plundered, and enslaved by it, have been told, and some of them doubtless made to believe, that it is a sacred instrument, designed for the preservation of their rights.

“These cheated, plundered, and enslaved persons have been made to feel, if not to believe, that the Constitution had such miraculous power, that it could authorize the majority (or even a plurality) of the male adults, for the time being--a majority numbering at this time, say, five millions in all--to exercise, through their agents, secretly appointed, an arbitrary and irresponsible dominion over the properties, liberties, and lives of the whole fifty millions; and that these fifty millions have no rightful alternative but to submit all their rights to this arbitrary dominion, or suffer such confiscation, imprisonment, or death as this secretly appointed, irresponsible cabal of so-called legislators, should see fit to resort to for the maintenance of its power.

“As might have been expected, and as was, to a large degree, at least, intended, this Constitution has been used from the beginning by ambitious, rapacious, and unprincipled men, to enable them to maintain, at the point of the bayonet, an arbitrary and irresponsible dominion over those who were too ignorant and too weak to protect themselves against the conspirators who had thus combined to deceive, plunder, and enslave them.

“Do you really think, Sir, that such a constitution as this can avail to justify those who, like yourself, are engaged in enforcing it? Is it not plain, rather, that the members of Congress, as a legislative body, whether they are conscious of it or not, are, in reality, a mere cabal of swindlers, usurpers, tyrants and robbers? Is it not plain that they are stupendous blockheads, if they imagine that they are anything else than such a cabal? or that their so-called laws impose the least obligation upon anybody?”

**K<sub>m</sub>**

*I'm staying young. Ask me how.*

Hugh & Rita Curley



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## Titles of Ignobility

by Sam Aurelius Milam III

I recently acquired a copy of a letter issued by the Santa Clara County Social Services Agency. I'm omitting the name of the recipient at his request. The letter contains the following paragraph:

"The Reimbursement Agreement which you signed as a condition of receiving General Assistance is a legal document which has been recorded and has created a lien against you."

Lien is defined in Black's Law Dictionary .

"**Lien** . . . . A charge or security or encumbrance upon property . . . . A claim or charge on property for payment of some debt, obligation or duty . . . . Qualified right of property which a creditor has in or over specific property of his debtor, as security for the debt or charge or for performance of some act. Right or claim against some interest in property created by law as an incident of contract. Right to enforce charge upon property of another for payment or satisfaction of debt or claim . . ."Black's Law Dictionary, Fifth Edition

Thus a lien applies to property only, and Santa Clara County has established a lien against my friend. Even if they don't understand what they're doing, the result of doing it is the same. Santa Clara County has established a lien against a person. Any thing that can be encumbered by a lien can be sold to satisfy the lien. Santa Clara County has defined my friend to be property.

Slaves have generally been acknowledged (at least by the law) as being to some extent human, and as having volition. They have usually been protected by law, and manumission was often possible. However, property is forever property. It may be used, sold, consumed, or destroyed at the whim of the owner. To be property is far worse than being a slave.

Some of us have long believed that the government was treating us as property, but now we have proof in print, on government

letterhead. The address of the Social Services Agency is 300 South Second Street, San Jose, California 95113-2711. The telephone number provided on the letter is 299-4371. You might want to get in touch with them. I'll provide a copy of the letter, purged of any information that could identify my friend, to anyone who requests it.

### Do you want an **AMICABLE DIVORCE?**

Well-qualified, local attorney (Boalt Hall, at U.C. Berkeley; six years litigation/dissolution practice with top L.A. firm), can ensure you:

- the lowest possible legal expenses
- the security of achieving finality in the resolution of all the issues
- complete information about all your rights and obligations
- an alternative to the high cost of hiring two attorneys to fight a paper war.

Let me help both of you find your way through the legal maze.

No charge for initial consultation.

**KELLY S. MOORE**

ATTORNEY-AT-LAW

(408) 779-1282

## Membership Application

Libertarian Party of California  
3249 Stevens Creek Boulevard, Suite 207  
San Jose, California 95117  
408 243-2711

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

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

City, State \_\_\_\_\_ Zip Code \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

- Basic Membership \$25
- Household Membership \$35 (requires each member to sign)
- National Membership: add \$20 per person
- I wish to pledge \$ \_\_\_\_\_ per month
- or a one-time additional donation of \$ \_\_\_\_\_ for the Libertarian Party of Santa Clara.

Payment by:

- Check payable to Libertarian Party of California or charge my:  Visa or  MasterCard

Number \_\_\_\_\_ Expires \_\_\_\_\_

Name on card \_\_\_\_\_

Signature \_\_\_\_\_

TOTAL ENCLOSED: \_\_\_\_\_

## Calendar of Events

### **Discussion Groups**

These meetings are for anyone who wants to learn about libertarian ideas.

San Jose—July 1, 7 PM  
(first Thursday)

Hosted by Terry Savage, 3021 Via Montez.

For more information call  
408 920-2193 or 408 945-7633

Sunnyvale—July 14, 7:00-9:30 PM  
(Second Wednesday)

Coco's Restaurant, 1209 Oakmead Parkway.

Mountain View—July 22, 7:00-9:30 PM  
(fourth Thursday).

Harry's Hofbrau, 399 W. El Camino Real.

### **Libertarian Hike**

South Bay—July 10  
(second Saturday)

For details, contact Dave Wolen at 408 378-3041

### **LPSC Business Meeting**

Sunnyvale—July 15  
(third Thursday)

Dinner—7:00 PM; Meeting—8-10 PM.

Coco's Restaurant, 1209 Oakmead Parkway.

If you want to have dinner or a snack and participate in the pre-meeting discussion, arrive promptly at 7 PM.

### **Save Our Liberties Meeting**

Mountain View—July 8, 7:30-9:30 PM  
(second Thursday)

Mountain View Community Center, 201 S. Rengstorff Avenue.

For More information, call S.O.L. at 415 964-3655

### **Libertarian Party Party (BYOB)**

San Jose—July 17, 7 PM  
(third Saturday)

Hosted by Terry Savage, 3021 Via Montez.

For more information call  
408 920-2193 or 408 945-7633

### Why you received this newsletter

If you're a dues-paying member of the Libertarian Party of Santa Clara County, you'll receive this newsletter every month. We also mail it to people who we'd like to join the party.

If your mailing label says *Valued Prospective Member*, you asked for information about Libertarianism, and this newsletter is part of our reply; you have a 3-month complimentary subscription. We hope you'll register to vote Libertarian and become a dues-paying member.

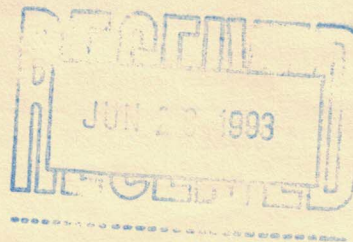
If your mailing label says *Valued Former Member*, you were previously a dues-paying member, and we want you back! The newsletter is a reminder of what you're missing.

If you've registered to vote Libertarian but are not a member, you'll also receive the newsletter. In this case your mailing label is in all capital letters. You've taken the first steps, and we encourage you to become more fully involved in helping us spread libertarian principles.

Libertarian Party of Santa Clara County  
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Chuck Olsen will be the guest speaker at the LPSC Business Meeting on July 15. He will address environmental issues and discuss The Lorax, by Dr Seuss.

