

California Freedom

August 2005

The official publication of the **Libertarian Party of California**

Photo: Elizabeth C. Brierly



Californian Tries to Take Justice Souter's Property under "Kelo" Plans to Build the "Lost Liberty Hotel"

compiled by **E. C. Brierly**
Editor, *California Freedom*

- **Logan Darrow Clements (left) stays to chat after his speech at the Sept 2003 meeting of Silicon Valley Objectivists.**



Art: Jon Sutz

Could a hotel be built on the land owned by Supreme Court Justice David H. Souter? The June 23rd ruling by the Supreme Court which was supported by Justice Souter himself might allow it. A private developer—a California libertarian—is seeking to use this very judicial decision to build a hotel on Souter's land.

Justice Souter's vote in the "*Kelo vs. City of New London [Conn.]*" decision allows city governments to take land from one private owner and give it to another, if the government will generate greater tax revenue or other economic benefits when the land is developed by the new owner.

On Monday, June 27, Logan Darrow Clements, a "small L" libertarian from California, faxed a request to Chip Meany, the code enforcement officer of the Town of Weare, New Hampshire, seeking to start the application process to build a hotel on Souter's property there, on Cilley Hill Road.

Clements, CEO of Freestar Media, an exhibitor at LPC's 2005 convention in February, points out that the Town of Weare certainly will gain greater

tax revenue and economic benefits with a hotel on Cilley Hill Road than by allowing Souter to own the land.

The proposed development,

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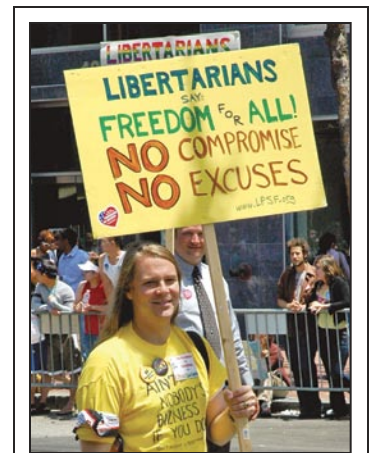


Photo: Brian Radzinsky

- **Chris Maden marches with other LP'ers in SF Pride. More on page 8.**

"Liberal" Justices Turn Back Time...to AD 1215 Ruling Rolls Back Private Property Rights

by **Thomas M. Sipos**

Vice Chair, LP of L.A.—Westside

You no longer own your own home or have the right to buy one, thanks to an amendment to the U.S. Constitution approved June 23.

No, this amendment didn't pass both houses of Congress and three-fourths of the state legislatures, in what is whimsically termed "the amendment process." Rather, our Constitution was amended in

the usual way, by judicial fiat. In essence, five Supreme Court justices—John Stevens, David Souter, Ruth Ginsburg, Stephen Breyer, Anthony Kennedy—voted that you no longer own your own home. Not only that, but in effect, the concept of "buying" a home has been made moot; certainly you are free to pay money for a home, but now with that transaction you haven't actually bought the full right of ownership.

That's the result of *Kelo vs. City of New London*, in which, according to dissenting Justice Clarence Thomas, "the court has erased the 'public use' clause from our Constitution."

That's right. A whole Constitutional clause, a clause that protected your property from arbitrary government expropriation, erased by five justices. At least with flag burning, the issue is undergoing the official amendment process.

But to understand *Kelo*, let me first give you some historical background. Back in olden days, all land was owned by a

"sovereign"—that is, a king, tsar, pope, or emperor. This sovereign leased his land to vassals: lords, barons, knights, and other titled nobility. Vassals could use the land as long as they served the sovereign. (See the bargain struck in the movie "Excalibur.") Because the sovereign owned the land, he could always repossess it.

In 1215, the English nobles decided this was a bad deal. They asked King John to sign the Magna Carta, restricting his ability to reclaim the land. King John agreed, mostly because the nobles had brought plenty of swords. Peasants still owned no land, but the times, they were a-changin'.

A big change occurred in 1776, when Americans decided that "the people" were sovereign, owning the land, and the powers to govern it and themselves. In 1789, they delegated some of those powers to the government via the Constitution, while also restricting those



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LPC First to Fight Perverse Decision Acts with Allies to Avert Eminent Domain Abuses

The Libertarian Party led the charge in responding to the devastating news of the Supreme Court's June 23rd decision which now puts all private property owners at risk of losing their property to government via the power of eminent domain. Not only was the LP the first national political party to web-post their response to the ruling, but on that very day the LP of California beat the punch the other state LP's

There are 6,000 public agencies in California that now have the power to seize your home.

in passing a resolution condemning the ruling. The city of New London, Conn. is now allowed to proceed with taking the private homes and property of Susette Kelo and eight other New London property owners, to be sold to developers for the construction of new residences, a hotel, and other projects in the City's redevelopment plan.

The LPC's resolution also ex-

- See **Fight** page 6

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Let's Prepare Now for Election 2006



FROM THE CHAIR

Politics is perhaps the only profession for which no preparation is thought necessary.

—Robert Louis Stevenson

You'd be surprised how many Libertarians share Mr. Stevenson's point of view. The reality is that while most elections in California will not be held until November, 2006, over a year away, now is the time to start preparing a run for office.

If you are even remotely interested in running for office, start now.

Call me at (805) 404-8693 or send me an e-mail message at StarrCPA@PacBell.net. We're building a better tomorrow. This requires that we plan for it today.

We are especially interested in running candidates who are owners of small businesses. Successful small business owners are respected in their community, and often they already have the social and political skills needed to enroll others in joining a cause.

Many of you know me as a

successful campaign manager, having had a significant hand in getting Libertarians elected to local office. But I didn't know intuitively how to do this. I found experts to guide me.

One way to get expert advice is to read books on the subject. There are a number of good books to help educate you through the process of running a successful campaign. A good primer is *The Candidate's Handbook for Winning Local Elections*, by Harvey Yorke and Liz Doherty.

There are also workshops. Leadership Institute (www.LeadershipInstitute.org), for example, offers courses in running effective campaigns. So do the older political parties. I once attended an all-day campaigning course hosted by the local Republican Party; I used that knowledge to beat one of their candidates running for a city council seat. You can do the same. It's amazing how much information your opponents will give you to stroke their own egos.

If you're not ready to run for office in 2006, consider working intimately on a campaign for another candidate running for local nonpartisan office, especially an incumbent. Even if

he or she is not a Libertarian, you can learn a lot, and you will have an influence over the policy and direction of the administration. You might be appointed to a local position, and you could be situated well for a future vacancy. Of course, this advice does not apply if the candidate you are considering supporting is running against a Libertarian.

If being a candidate or even supporting a candidate isn't your cup of tea, consider getting involved with opposing the various local bond and tax initiatives that will be on the ballot during the special statewide election this coming November.

Often, local government officials will abuse their power by using taxpayer-funded resources to support campaigns that increase your taxes. One way they do this is by paying for polls that determine which message(s) will persuade voters to vote their way. For a few dollars you can demand a copy of these reports; you might find that they even tested the messages that were most effective at *beating* them on Election Day. Use this information against them.

Another way they work

against us is by having bureaucrats work on campaigns during business hours, especially when they coordinate strategy with campaign consultants. You can catch them at this by asking for copies of your local government's phone bills.



They have to give you access to these. You may be surprised—or maybe not—to find that many phone calls have been made to the campaign consultant who is working on the campaign to increase your taxes. This is illegal. And if you find such evidence, you should file complaints with the local District Attorney's office and alert the newspapers. Taxpayer advocates in my county allege that they discovered that the Ventura County Transportation Commission engaged in this behavior in their attempt to pass a countywide sales tax increase. The D.A. has been investigating.

You can help drive Libertarian success in Election '06! Get involved today.

—Aaron Starr
Chairman

Hotel

continued from page 1

called the "Lost Liberty Hotel," will feature the "Just Desserts Café" and include a museum, open to the public, featuring a permanent exhibit on the loss of freedom in America. Instead of a Gideon's Bible, each guest will receive a free copy of Ayn Rand's novel *Atlas Shrugged*. The novel, a favorite of libertarians, deftly depicts a degradation of the American value of property rights that parallels the way the perverse logic of the majority of justices in this decision developed.

Clements indicated that the hotel must be built on this particular piece of land because it is a unique site, being the home of someone largely responsible for destroying property rights for all Americans. He told *California Freedom*, "If the Supreme Court is going to unleash a wave of cannibalism, let those justices that voted in favor of it be the first ones eaten."

"This is not a prank," said Clements, "The Towne of Weare has five people on the Board

of Selectmen. If three of them vote to use the power of eminent domain to take this land from Mr. Souter, we can begin our hotel development."

Clements' plan is to raise investment capital from wealthy pro-liberty investors, and draw up architectural plans. These plans would then be used to raise investment capital for the project. Clements hopes that regular customers of the hotel might include supporters of the Institute for Justice and participants in the Free State Project, among others.

For his hotel's logo, Clements enlisted analytical graphic designer Jon Sutz (www.JonSutz.com), a fellow advocate of



Art: Jon Sutz

individual liberty. Sutz was able to conceive and finalize the clever logo (above), featuring the Statue of Liberty, in just three days.

Striking quickly and creatively with his request to Weare to develop the hotel has reaped enormous PR for Clements: since the decision, he has been interviewed on television programs with Wolf Blitzer (CNN),

"If the Supreme Court is going to unleash a wave of cannibalism, let those justices that voted in favor of it be the first ones eaten."

Sean Hannity & Alan Colmes (Fox News), and Catherine Crier (CourtTV). By press time, he'd had about 15 radio interviews, with requests for about 30 more. On June 28, national radio host Rush Limbaugh even announced

Clements' plan and placed a link to the Lost Liberty Hotel web page on his own show's site.

Clements' corporation, FreestarMedia, LLC (www.FreestarMedia.com), is developing a libertarian-oriented television reality show, "The Lexington League," covering "David versus Goliath" stories of individuals challenging out-of-control governments. The show will broadcast actual acts of civil disobedience, expose new laws,

and encourage viewers to help the over-regulated. Their motto is, "The greatest story is the battle between freedom and force."

Before relocating to Los Angeles in 2002 to develop his TV show, Clements founded Silicon Valley Objectivists. The group still attracts libertarians to its monthly discussions covering a great breadth of applications of Ayn Rand's philosophy, which is often credited for inspiring the founding of the Libertarian Party.

At press time, The Lost Liberty Hotel is seeking investors, employees, office space, and volunteers alike. For more information and updates, visit www.FreestarMedia.com. ●

Correction

In July, we incorrectly referred to Bruce Cohen as the LPC's Southern Vice Chair. ("What LPC Leaders are Saying about Rider for Mayor," page 1.) Cohen is on the LPC Executive Committee, and Chair of Member Communications. Mark Selzer has been Southern Vice Chair since 2001. We apologize for the misstatement.

Letters to the Editor



Kelo Ruling Paves Way for LP Candidates

The Supreme Court's wrong-headed 5-4 vote on *Kelo vs. New London* could well end up benefiting Libertarian candidates across America. There's one way to circumvent the court's decision: *elect Libertarian candidates to city councils and mayoral seats*. In nearly all cities, city council members also sit as the governing board of the local redevelopment agency. As we know, it's the redevelopment agencies that decide when and where to use eminent domain. Simply put: LP candidates need to seize this issue and make it a campaign centerpiece, emphasizing that LP candidates, once elected, will never use the power of eminent domain to confiscate individuals' property(ies).

I think this is an issue that will resonate with millions of Americans and will help to propel more of our candidates into elective office.

—Mark Carbonaro
Marina

Libertarian Party Not for Sale!

The shameful secret vote in February by a majority of the [LP] National Committee to double party

membership dues is only the latest canary to pass out in the coal mine. The warning signs that libertarians are in danger of losing control of the Libertarian Party have been noticeable for some time. Between the influx of conservative-leaning members garnered from the long-standing emphasis on outreach to the right, and the members who are doing their utmost to turn the LP into a staid, corporate-feeling entity that waters down its message in order to appeal to statist popular attitudes, one can easily imagine a few years from now a serious bid to drop the word "libertarian" and remake the party in a mainstream-friendly, nonthreatening, Republican-pleasing package.

In such a climate, it was heartening to see a reminder in the party's recent Annual Report (*LP News*, April 2005) that the Libertarian Party is still not for sale. Above the report's state-by-state breakdown of LP membership numbers, it was noted that, "This chart includes both card-carrying members and 'subscribers'—those who contribute to the party but who have not become full members by signing the pledge." The distinction may come as a surprise to some newcomers who—seeing many Libertarian leaders appearing to value money, "professionalism," and "success" more than volunteers, grassroots activism, and

principles, and never having heard of the Pledge—have mistakenly assumed that all one has to do to become an LP member is simply to send in \$25 per year or more.

But in fact it is true: even donating a new office building will not buy a vote in the Libertarian Party. Only your signature under the words, "I certify that I do not believe in or advocate the initiation of force as a means of achieving political or social goals," can make you a voting member. And as long as this is true—as long as we proudly uphold the Non-aggression Principle as a condition of membership—there is hope that we can remain the Party of Principle and carry forward the banner of freedom.

—Starchild
Outreach Director, Libertarian Party of San Francisco
Outreach@LPSF.org

Political D.M.Z.

I want to thank Augustus Suiter for his essay, "Let's Get Our Heads Out of the Cloud" (July 2005). It's great that he bought Michael Cloud's *Secrets of Libertarian Persuasion* in an effort to improve his communications skills.

However, I fear Mr. Suiter may have slightly misunderstood the book's purpose. Citing one chapter, Mr. Suiter was concerned that Michael wants libertarians to avoid controversial

issues.

In fact, Michael makes no such recommendation. All he suggests is that libertarians should agree to disagree on a few contentious issues (creating a "political D.M.Z." among libertarians), so we can devote our time and energy to reaching that large percentage of Americans who are not yet libertarians.

No, Michael doesn't want to water down our message. (In fact, the book has a whole chapter devoted to "Counterfeit Libertarianism.") Michael wants libertarians to tackle the tough issues; he just wants us to do so in such a way that average Americans will listen to, consider, and embrace our ideas.

That's the brilliance of this book. In chapter after chapter, Michael explains tried-and-tested techniques that can move people towards liberty. To cite just one example, his "Reverse" stratagem is a way to get people to tell you what they don't like about government (instead of you lecturing them about what you don't like!).

By learning such techniques, libertarians can discuss even the most controversial issues with voters, and have greater success at persuading them about the merits of our philosophy.

Don't take my word for it. Read the book. It will make you a better-prepared libertarian communicator—whether you're debating the easy issues or the toughest ones. (See www.TheAdvocates.org for ordering information.)

—Bill Winter
Communications Director,
Advocates for Self-Government

learned the same truth.

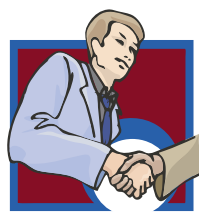
At my work, the computer network has about 4,000 PC's that have static IP addresses. A computer-savvy person's jaw would drop upon reading that; to you non-techies, just know that it's the equivalent of Stone Age technology in today's fast-moving tech world. I've been campaigning for four years to upgrade these machines to a technology called DHCP, around since 1997 and considered as vital to computers as liquid water is to life on Mars. Everyone in the company stands to benefit—everyone!

I consider it "campaigning": passionately driven, wholly supported by airtight, rational arguments. I saw myself as a crusader for change, a white knight fighting for what's right and good in this world. I was practically bursting with self-righteous pride as I railed against the entrenched status quo. Later, when I had effected the beginnings of change, I was boasting to a close ally about how I single-handedly fed the momentum for change, winning people over to my cause with the sheer force of my arguments.

Boy, was I surprised to hear what he said: that all I did was complain the whole time, that people saw me as a miscreant, a deviant, a "malcontent"; that all I was doing was "whining," and bitching and moaning. My coworkers assumed the worst; they didn't see that I was fighting for what I believe is right, but thought that I was just trying to get out of doing the dirty-work necessary to maintain a Stone Age network such as ours.

What an eye-opener that was! I had been totally wrong about how I had effected the positive change. I had thought it was my protests that won them over, but in truth, it was the fact that I had volunteered to co-manage the project to convert all 4,000 computers from static IP addresses to DHCP. You see, after "campaigning" for four years, it finally dawned on me that

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Welcome Aboard!

The Libertarian Party of California is delighted to know that these 37 people have taken a stand for greater individual liberty and smaller government here in California by joining the party of principle in June. We hope to see you soon at a Party meeting, or perhaps speaking out alongside fellow Party members at the next Redevelopment Agency meeting in your city!

Mary Altmann Agoura Hills
Doris Ball San Diego
Lynn Barrow San Jose
David Bearman Goleta
Leland Blodgett Galt
William Bucher Los Angeles
Bernice Cannutt Santa Clarita
Joyce Clark Fremont
Michael Clark Fremont
Jeremy Dunlap Paradise
Timothy Friden Lakewood
Stephen Groton Glendale
James Gruver Livermore
Keith Harris Hesperia
Daniel Hutchison Manhattan Beach
Richard Kannisto Truckee
Peter Kirianoff La Habra
Jeff Klagenberg Moss Beach
Benjamin Leland Huntington Beach

David Lillback Chatsworth
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John McCallion Chico
Chuck McGlawn Fullerton
Sandra Neish Port Hueneme
Vincent Nelson Orange
Riley O'Neill Riverside
Brendan Petroff Simi Valley
Frank Poppie Monterey Park
Dan Rousseve Huntington Beach
Irl Sanders Van Nuys
Allen Shelton Hillsborough
Jeremy Stalman El Cajon
Ryan Verling Foresthill
Peter Wilson Long Beach
Ritchie Wilson Laguna Beach
Sanford Wohlgemuth Tarzana
Richard Wyatt Vacaville

A Whiner Transformed into a Winner

I totally agree with what Mr. Mark Schreiber taught Mr. Aaron Starr about public perception of our party (*California Freedom*, "Winners or Whiners," June 2005, p. 2). Here's a story about how I

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Letters

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nobody gave a damn about the network, and that to get anything done, I'd have to do the work myself. Since it would be logistically impossible for one man to convert 4,000 machines alone, I realized then that I would have to acquire political power to obtain the authority to order other workers to participate in the project. I teamed up with my buddy, the ally who had clued me in to the truth, and we volunteered to our managers to create and lead this project.

Only after the project had begun did people begin to openly agree with my cause. My coworkers—the ones who previously had thought of me as a malcontent, were clapping me on the back, telling me how great a job I was doing, and how much better our work was making their jobs. They were supporting me because I had brought change, instead of inciting it.

This is what the Libertarian Party has got to do. Instead of being seen as malcontents, we need to be seen as effective agents of change, already leading the charge toward a better

tomorrow and already winning battles for the people. Instead of our signs saying, "Uncle Sam is stealing from you!" to try to stir up outrage, we should be saying, "The Libertarian Party just saved you \$3,000 per year (by winning the property tax battle of So-and-So County)." People don't want to be mad; they want results!

Unfortunately, they don't want to have to work for those results. In the beginning, while campaigning for the network upgrade, I spoke individually with every member of the various groups that would be able to make the upgrade. I pushed and I pushed, but nobody lifted a finger. But, what's funny (and important to know) is that later, when my buddy and I returned with the blessing of upper management and with the ball already rolling, they all got on board eagerly, and voluntarily provided far more effort than we initially expected. It seems that deep down, people know that our cause is right, but they don't want to do anything about it until somebody else starts the movement.

I don't want the Libertarian Party to be lumped in with the other malcontents like eco-terrorists. If we allow our public image to be one of loudmouthed

complainers, we'll be marginalized. Instead, we need to be seen as winners, leaders, and the up-and-coming agents of change. We'll be seen as the new contenders and turn this nation's political system into a three-party system!

—Dennis Chang
Seal Beach

LP Principles Don't Justify Iraq Invasion

I challenge anyone to justify the U.S. invasion of Iraq based on LP principles and the facts. Should anyone think that the issue is merely a subject of historical interest, I suggest he or she pay attention to the recent statements of Pres. Bush and his administration toward Iran, North Korea, and Syria. It is high time for an open and rigorous debate within the LP on this issue in the pages of *LP News* and *California Freedom*.

I doubt anyone will seriously argue that the invasion of Iraq was not a foreign intervention. Therefore, there is a *prima facie* case that the invasion is contrary to our stated principles. The burden of proof is on those who would contend the intervention was in some manner justified by our principles and the facts. The burden of proof is important, in that the argument does not commence on equal terms. Those who support the

war must advance an argument and meet the burden by establishing the facts to support their position. The LP membership as a whole will decide whether they have met that burden.

Support for the invasion was apparent in the first place only because of misrepresentations and misinterpretations of the facts by the Bush administration. There is mounting evidence that it was their intent to invade Iraq long before 9/11/2001 and that they built the "facts" around their preconceived policy.

To me, the LP has been just like the second string football player who practices for four years without getting to play. His big chance comes in the big game. The other team and his own teammates discount his ability, but he goes out for a pass, he's open and the pass is to him, but just before the ball gets there, he stumbles flat on his face.

I am a strong believer in the right of self defense, but a preemptive war must be based on a clear and present danger. The other side must have the means and express the intention of imminent attack. We all know now that the reports of weapons of mass destruction were false and callously intended to scare the public into support of a pre-planned policy of invading Iraq.

The LP desperately requires a debate on the question of whether we support invasions

of other nations based on their possible threat to us or, worse, for the purpose of nation-building. After 50 years of the [U.S.'s] Cold War policy of containment, by which we justified the support of every stripe of tinhorn dictator, junta, and monarchy, now their very existence is a threat which justifies our invasion. The military-industrial complex will find us enemies forever to justify their existence at a high level of expenditure. It is time that we heed Eisenhower's warning and return to our roots.

A condemnation of aggressive war would be good for the country and good for the LP.

—Jay Eckl
Fresno

Editor's note: LPC's Feb. 2005 convention featured such a debate between past presidential candidates John Hospers and Gary Nolan. The unofficial audience poll taken afterward indicated a healthy disagreement of close to 50-50 on this matter. Officially, the LP Party opposes U.S. engagement in nondefensive wars. Our national platform reads: "We call for the withdrawal of the U.S. from commitments to engage in war on behalf of other governments and for abandonment of doctrines supporting military intervention" (IV, B, 1); and "We call for the reform of the Presidential War Powers Act to end the President's power to initiate military action....There must be no further...unilateral acts of military intervention by the Executive Branch" (IV, B, 2). Refer to the LP Platform on the Web at www.LP.org/issues/platform_all.shtml.

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■ Election 2005

Governor's Initiatives: 3 Steps Closer to Liberty

by Nicholas Gerber

Membership Chair, LP of Contra Costa County

In the words of Lao-tzu, "A journey of a thousand miles must begin with a single step."

On June 21, the Libertarian Party of Contra Costa County passed a resolution in support of Governor Arnold Schwarzenegger's initiatives for the special election to be held on November 8, 2005.

Resolved: That the Libertarian Party of Contra Costa County endorse and support the Governor's initiatives on the ballot for the special election of November 8, 2005.

The three initiatives the Governor supports are:

• **California Live Within Our**

Means Act.

• **Put Kids First Act.** "Public School Teachers. Waiting Period for Permanent Status. Dismissal." (Prop. 74)*

• **Voter Empowerment Act.** "Reapportionment." (Prop. 77)*

Libertarians!
Mark your calendars
to vote in the statewide
election on Nov. 8, 2005!

As Schwarzenegger said on June 13, "I would put California's financial house in order and reform a government that no longer listened to the people."

Governor Schwarzenegger is a breath of fresh air cleaning out years of rancorous partisan politics in Sacramento. It was the will of the people who elected him in a special election, and it will be the will of the people who support him in this special

election. The Libertarian Party of Contra Costa is proud to help the Governor in his efforts, via the Nov. 8, 2005 ballot, to make California a better place for everyone to live.

We understand that the Governor is not a Libertarian Party member, and the initiatives do not go as far as we would like, but as LPC Chairman **Aaron Starr** pointed out, "People do not want to vote for people they perceive as being unable to achieve progress." ("Winners vs. Whiners," *California Freedom*, June 2005, page 2.) Governor Schwarzenegger has demonstrated an ability to get things done, and these initiatives take us one step closer to thousands of miles of a better California.

* The propositions are posted on the Web at www.ss.ca.gov/elections.

In Support of the Platform

by **Mark Selzer**

LPC Southern Vice Chair

The Libertarian Party platform has been much maligned lately, inside the Libertarian Party. I, however, love it.

When I first read the LP platform, it nearly brought tears to my eyes, because I could hardly believe that a document had been written that so thoroughly explained what I believe in my heart.

Yes, the platform could use a little tact and an explanatory paragraph, here and there, to let the uninitiated know how we would get from where we are now to our ideal Libertarian society, someday. But our platform is truly a wonderful constitution, rivaled only by the Constitution and Bill of Rights of these United States. It is a visionary document in which belief systems are intertwined and intermingled throughout all of its planks. All the platform planks are based on the same set of core ideas and point in the same direction. Unlike most political documents, it is consistent. That, above all, is what I love about the document—its consistency. It does not say to shrink the government here, but to grow it over there; it says to shrink the government everywhere. Democrats and Republicans both say they want to shrink the government in some places, using various dialogue to describe it. Democrats usually want to shrink the government on civil rights issues; more civil rights usually do mean less government. Republicans often say it directly—they'll call for less government, but sadly, they often really mean less of someone else's kind of government but more of their own.

So as a Libertarian I can always be consistent. When asked our position on any issue, I always know the answer: whatever would lead to less government than we have now—no exceptions, no excuses. Republicans and Democrats always have exceptions to what they believe. They say, "We believe this—except of course for this, or that, or of course in the case of this instance or that instance, where we have to make an exception." But for Libertarians there are no exceptions. We do not want just to shrink the government in the places the left or right want to, or to roll it back in places liberals or conservatives would; we want less government from all



Photo: Elizabeth C. Brierly

angles. We do not think the government is better when it is left rather than right, or that it would be best to be more conservative rather than liberal—it is less of it, plain and simple, that we would like.

Disagreeing with one part of the platform usually means disagreeing with all parts of it. Disagreements may occur on how we would reach that goal of less government. For example, many people think we should eliminate all government welfare systems before we have a more liberal border policy. But usually, whatever argument Libertarians are having is based on disagreements of how to achieve a reduction in government control.

Let us take three issues and see how the same principle from the platform applies: health care, democracy in Iraq, and housing subsidies.

People from both the left and the right think these services are morally compelling enough to justify them and their government taking money from all of us in order to give those services to others. Libertarians believe that what you earn is yours; no matter how compelling the argument, government does not have the right to force us to pay into whichever \$300-billion-dollar scheme with which they plan to solve all the problems of everyone in the world. Whether it is Democrats or Republicans—or both—who tout the scheme as a moral imperative giving them the right to the fruits of our labor, we oppose it. No one has such a "right" to health care, housing, democracy, or good government that it justifies the sacrifice of another's "right" to the health care, housing, democracy, or good government in which he, his family, or his community choose to invest their money.

Claiming a right to something according to one's need for it reflects Karl Marx's words, "To each according to his needs." The people of Iraq are said to "need" democracy or "freedom," or to need us to get rid of their evil dictator, just as people are said to "need" the government to get rid of the so-called "evil robber barons" and capitalist bogeymen, or to protect them from bad landlords or big corporations who may "exploit" them.

Corporations who accept

"corporate welfare" do manage to exploit people, because they do not have to compete for good workers and their share of the market, as other businesses must. The answer to that problem is to eliminate the corporate welfare and regulatory subsidies in those industries, not for the government to take over the company or industry and try to fix it. More government, or different government, or better government is not the solution to the problems caused by too much government.

The solution to low wages is to eliminate the policies of government that suppress wages and decrease the purchasing power of your money, not for government to take over the wage system and fix it. That would just worsen the situation.

The solution to insufficient affordable housing is to eliminate regulatory zoning, and excessive, overbearing building regulations and taxes, which impede construction of all types of new housing. Government can not "take over" and fix it, because government itself constitutes most of the problem.

People overseas may lack "good government," have "evil dictators," or lack democracy. But government "taking over" and trying to fix it will just make the problem worse and waste a bunch of money (and in this case, lives), as it has when government has tried to take over and fix industries such as housing or health care.

In the case of a lack of democracy—or anything else—in a foreign country, just as with any other problem, you must look first at whether government meddling, now or in the past, is creating and/or worsening the problem, and then consider that the answer may be less government involvement—instead of having big government "take over," expecting that to fix it.

So you see, you will find in the platform that the same universal ideas apply to almost all situations where people cite more government as the answer. The platform of the Libertarian Party and the concepts it embodies are indeed a wonderful thing. ●

Mark Selzer has been serving as LPC Southern Vice Chair since 2001. Active in the LPC since 1998, this Internet business owner ran for State Assembly in 2000. He lives in Hollywood and hosts a cable access television talk show called "The Libertarian Alternative." Reach him at Mark@LibertarianAlternative.org.

Youth Perspective Punk Rock and the LP

by **Ali Meyer**

Libertarians have a serious advantage over other political parties.

You're a "third" party.

That means you can take advantage of everyone who is unhappy with the current governmental system, especially the next generation.

Kids today are angry and political. They want to change the world, but they don't know how. Their punk rock music urges anarchism as a real political system. That wouldn't work, for obvious reasons, in the United States, because the Constitution dictates a leader. But in anarchism, everyone who's anyone defies the system. Libertarians should take advantage of the current punk subculture and show kids that anarchy wouldn't work, but libertarianism is effectively the same goals within a more reasonable structure.

The punk subculture and revival is ultimately a political movement. Their anger at government and at the world is channeled into music. Look at the big punk rock bands: Rancid, NOFX, Pennywise, Bad Religion, Operation Ivy—they're all political! Even pop music is political, especially in the time surrounding the election (think Green Day's "American Idiot").

Look at these lyrics from NOFX's "Idiots are Taking Over":

*What are we left with?
A nation of god-fearing pregnant
nationalists
who feel it's their duty to populate
the homeland*

*pass on traditions
how to get ahead religions
and prosperity be a symbol to
culture*

The idiots are taking over

The point is: kids really do care. And they want to get involved.

This is a blaring opportunity for the Libertarian Party. Just think. If Libertarians infiltrated the punk scene effectively, a whole lifestyle would be shifted from anarchism to libertarianism. That includes a great majority of young voters and the next generation of voters.

To do that, the Libertarian Party needs a young front that can appeal to the next generation. Get big-name bands to play. Or go to a concert and recruit. Everyone there hates the current big government. And they will vote Libertarian if they know the stance of the party.

So, what better group of people to recruit? They're passionate, energetic, and their votes will remain loyal to the party throughout their life. It's the next generation. The Libertarian Party should take advantage of the punk rock subculture and direct it to realistic goals that can be achieved with their help. ●

ALI MEYER, 15, attends an all-girl private school in Los Angeles. She first heard of the Libertarian Party during a debate in history class, when a substitute teacher remarked that her arguments sounded libertarian. Meyer is writing prolifically during her summer break, while also doing volunteer work at a local hospital.

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Fight

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presses the intent of the LPC to oppose candidates for office who vote for using eminent domain to take private property for economic development purposes, and proposes that an amendment to the U.S. Constitution be ratified to restore balance between basic property rights and government confiscation of property for public uses.

Death blow to individual property rights

"The Supreme Court has, for all intents and purposes, declared dead individual property rights in the United States," said **Aaron Starr**, LPC Chairman. "New London city officials showed up with a coffin nail and the Supreme Court happily handed them a hammer.

"Over the past 100 years, each Supreme Court decision on the 'takings' clause of the



• **Aaron Starr**

fifth amendment has weakened the people's rights in property and broadened the definition of 'public use' to where we have reached the current sad state of affairs," Starr explained. "Now, relying almost solely upon these increasingly misguided precedents, the court takes the next great misstep and grants that most any government plan that doesn't demonstrably decrease the value of a property qualifies for eminent domain, whether or not the public will get uniform access to use the property, such as they would in the case of a road."



• **Allen Hacker**

Court has relinquished role as check & balance

Added **Allen Hacker**, LPC Executive Committee member and author of the resolution, "In the majority decision, the court turns over almost all discretion as to the appropriateness and the measure of any potential public benefit to the legislative branches of govern-

ment, abdicating their responsibility to protect individuals' rights or to limit the government as enumerated in the Bill of Rights."

"This is yet another case of letting the fox guard the hen house," continued Hacker. "How can we reasonably expect the legislative and executive branches of the various levels of government to restrain them-

"This ruling has galvanized all the LP counties in California about one issue. Property rights are the one issue that Libertarians never argue about."

—Allen Hacker

selves from forcefully taking property for nearly any purpose, public or private, if the judicial

branch refuses to provide the required checks and balances?"

In the Court's majority opinion, Justice Stevens left the door open for states to place further restrictions upon the "takings" power. Until the Supreme Court decides to protect the rights of individuals over sovereigns, this may be the only recourse available for the liberty-minded citizens of California.

"Now, any perceived public need, such as a larger tax base, is deemed sufficient to steal a person's home to give to a corporation for private-sector development, under the guise of a redevelopment project," said Starr. "With no one looking out for them, the politically weak will be trampled by powerful and wealthy interests, who are obligated by their responsibility to produce a profit for their shareholders to take a sweetheart deal, if the government offers it."

Friends of liberty in California legislature

Republican State Senator **Tom McClintock**, a fiscal libertarian and occasional speaker at LPC conventions, has led the charge in our state legislature. On July 14, he and his counterpart in the Assembly, **Doug LaMalfa**, simultaneously introduced initiatives in the Senate (SCA 15) and Assembly (ACA 22), proposing to amend the California Constitution to restore the original meaning of the property protections in the Bill of Rights and to make illegal such abuses of eminent domain power by cities and their redevelopment agencies.

As author of the amendment, McClintock's statement included: "The U.S. Supreme

"The responsibility now falls on the various states to reassert and restore the property rights of their citizens."

—Tom McClintock
California State Senator

Court [has broken] the social compact by striking down one of Americans' most fundamental rights. Their decision nullifies the Constitution's 'public use' clause and opens an era when the rich and powerful may use government to seize the property of ordinary citizens for private gain.

"The responsibility now falls

So, What Can LPC Members Do?

1. Contact your state senators and assembly members; let them know that you expect them to act quickly upon their return from recess, to ensure that this initiative will immediately be given its rightful place on this November's ballot. Invite your friends, family, and colleagues to follow suit.

2. Attend your city or town council and redevelopment agency meetings, and watch for government officials who fail to protect property rights, who demonstrate unreasonable logic in declaring your neighborhoods blighted, or who make Constitutionally unjustifiable comparisons of revenue to be reaped from new developers versus the revenue already being reaped from current property owners. Let them know that the people will work for their removal from office if they unconstitutionally violate property rights.

3. Keep tabs on candidates running for office in your city or county. Make sure they know where you stand on the fundamental right of private property.

4. If you work in the building or development industry, spread the word that if the government can take property from Private Party A to give to Private Party B, they can just as easily confiscate it later from Party B and hand it over to Party C if that would better serve politicians' economic interests.

5. Vote a resounding "yes" (whether this November, or June or November of next year) on the California Constitutional Amendment, so that we in California can take responsibility for that which the Supreme Court has refused to do: checking out-of-control branches of our government.

Photo: Elizabeth C. Brierty



• **Tom McClintock**

on the various states to reassert and restore the property rights of their citizens...This [proposed] amendment will require that the government must either own the property it seizes through eminent domain or guarantee the public the legal right to use the property. In addition, it will require that such property must be restored to the original owner or his rightful successor, if the government ceased to use it for the purpose of the eminent domain action."

• See **Fight** page 7

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powers through the ten amendments in the Bill of Rights. For instance, the Fifth Amendment says: "No person shall be...deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Thus, "the people," being sovereign and owning all the land, can, through their elected representatives, take your property, but only if (1) the taking is for a "public use" (traditionally, a road, school, or other public project), and (2) you're paid "just compensation" (theoretically, fair market value).

With *Kelo*, according to Justice Thomas, the Supreme Court "erased" the "public use" clause. Now government can take your property for any reason at all.

In *Kelo*, the city of New London, Connecticut, had condemned 15 homes so that private developers could build offices, a hotel, pricier homes, and a pedestrian path along the Thames River. The homeowners sued the city, trying to save their homes by arguing that private development was not a public use. The city said it was, because offices and pricier homes would generate more tax revenue.

The Supreme Court agreed

with the city.

Justice Stevens wrote: "Promoting economic development is a traditional and long-accepted function of government.... [T]here is no basis for exempting economic development from our traditionally broad understanding of public purpose."

But if private use is a public use, and public use is a public use—and the "public use" clause has no meaning. As Justice O'Connor said in her dissent, "Who among us can say she already makes the most productive or attractive use of her property?... Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded.... Nothing is to prevent the state from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."

Is she right? With the "public use" clause erased, what will prevent the state from replacing any home or business with a "nicer" business? Nothing but the good intentions of backroom politicians. Seriously. According to Justice Stevens, it is the very cities and states condemning the land who can best deter-



Photo: Elizabeth C. Brierty

mine "local public needs," and their judgments are "entitled to our deference."

That's like letting the accused decide whether he's guilty.

The result is that politically connected developers can now use state muscle to force those of modest income to sell their homes at prices below market values, while wealthy homeowners are protected by their own political clout. (I say "below market values," because if developers paid homeowners their asking price—the true definition of "market value"—there'd be no need to condemn land, as every owner has his price). As Justice O'Connor put it, "The government now has license to transfer property from those with fewer resources to those with more."

So it seems the times are a-changin' again. Only now we're going backward, to about 1215, when only nobles could protect their land from the king, and the peasants were at the mercy of both. Ironically, it's the more "liberal" justices who are turning back the clock. ●

THOMAS M. SIPOS has written articles on self-publishing and book marketing and has taught a course on Book Promotion for Authors at UCLA Extension. To date, he's used the new print-on-demand technology to publish three books. He's written about politics and film for Liberty, American Outlook, FrontpageMagazine.com and LewRockwell.com.

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At a press conference on July 14, McClintock, currently a candidate for Lt. Governor, stated, “[The Kelo] decision breaks the social compact that gives government its legitimacy and [has] opened a new era when the rich and powerful can use government to seize the property of ordinary citizens for private gain. It may now literally take the house of a person it doesn’t like and give it to a person that it does like. Stripped of all the sophistries and euphemisms, this is what it comes down to.

“It used to be that if a widow didn’t want to sell her home to a developer, she didn’t have to. That was the end of the matter, unless the developer sent in a bunch of thugs to beat her up. And, of course, government was there to protect her from the thugs. Now government has become the thug.

“Nor is this a distant and remote threat. There are 6,000 public agencies in California that now have the power to seize your home, pay you pennies on the dollar for it, and then give it to somebody else for their own personal gain and profit.

“Sadly, it now falls upon the states to restore the property rights of their citizens that are no longer protected under the Bill of Rights. SCA 15 and ACA 22 do so for California.

“Specifically, these measures prohibit the use of eminent domain for private use under any circumstances. For strictly public uses, they require government to convince a judge that no reasonable alternative to the seizure exists. Government must state the use that the property

“We believe Sen. McClintock’s amendment not only protects property rights, but also protects the property tax limitations secured by Proposition 13.”

—Tim Bittle

Director of Legal Affairs, HJTA

will be put to and it must own and occupy the land for that specific public use. And it requires the land be returned to the rightful owner if it ceases

to be used for that use.

“When the legislature returns from recess, it will have a three-day window to place this measure on the ballot for November. If they fail to do so, they will still have a month to put it on the June ballot. Failing that, there is still time to qualify the measure by initiative for the November, 2006 general election ballot.

“A bipartisan consensus is developing around the self-evident truth that the most fundamental purpose of government is to protect the individual rights of its citizens. We have introduced the measure with 45 co-authors—more than a third of the state legislature—including 4 Democrats.”

California especially vulnerable

Howard Jarvis Taxpayers Association (HJTA) is also in agreement with the LPC, McClintock, and the proposed amendment, and is warning that Californians are especially vulnerable to the *Kelo* ruling.

“The New London case has national implications and is a tremendous blow to the property rights of all Americans,” said Tim Bittle, HJTA’s Director of Legal Affairs. “Our fear is that, because Proposition 13 has effectively limited property taxes for millions of Californians, it would provide a perverse incentive to local governments to condemn neighborhoods or individual properties owned by longtime residents because those properties produce far less tax revenue than they could if the properties were condemned, sold to someone else, and reassessed to full market value.

“We believe Senator McClintock’s amendment not only protects property rights, but also protects the property tax limitations secured by Proposition 13.”

The good news

There is a silver lining in all this. Allen Hacker told *California Freedom*, “This ruling has galvanized all the LP counties in California about one issue. Property rights are the one issue that Libertarians never argue about.” Given that and the commensurate multi-partisan outrage, we have what it takes to win this one. ●

View the text of bills SCA 15 and ACA 22 by visiting the Web site www.Sen.CA.gov; click on “Legislation,” and follow the search instructions.

Libertarians— We Need You Alive and Well!

California Libertarians, please beef up those earthquake kits with extra water, storable food, fuel for your camp stoves, and extra supplies of any medicine you use.

The government (whom we know we shouldn’t trust) sure isn’t saying much about the H5N1 “Bird Flu.” But with our direct flights to Asia, California is especially vulnerable to the readily mutating virus, which threatens to jump from the bird population to the human population—which has zero immunity. It’s 100% lethal in domestic chickens, and over the past two years, it has infected 107 people with 54 deaths, making it among the deadliest viruses known.

Current estimates for California as to potential deaths range widely, from 20,000 to 127,000 people. There are as yet no vaccines and limited drug supply to combat this illness, so it is difficult to anticipate what

to do to protect yourselves as individuals. County health departments have been asked by our state health department to submit their regional plans this month, and their focus will be upon ways to maximize people’s survival and recovery.

Even if mortality is zero, when this flu breaks out in a region, since no one is immune to becoming ill from this disease, it will cause extensive worker absences. While estimates range from 12% to 35% absenteeism due to illness or care-giving, the consensus number seems to be about 30%. So this potential epidemic could impact your business, from your own employees being laid up for weeks, to your supply chain becoming unreliable or out of commission.

Planning is cheap! Let’s all be prepared, and try to stay healthy, so we can keep the supply chains of liberty flowing during Election 2006 and beyond! ●

—Courtesy of Lisa Thornquist, M.D.

LPC Resolution of June 23, 2005

WHEREAS, the U.S. Supreme Court has ruled (*Kelo vs. New London, Conn.*; June 23, 2005) against private property in American Cities, allowing that cities and other government agencies may exercise eminent domain against virtually any property for virtually any allegedly public-service purpose, even a purpose as nebulous as increasing government tax revenues; and,



Whereas, the *Kelo* decision allows corporations and politically-connected developers to collude with governments to seize property from unwilling owners instead of having to negotiate voluntary sales; and

Whereas, the *Kelo* decision greatly increases the incentives for local corruption; and

Whereas, the *Kelo* decision is effectively the death of private property in the United States; now, therefore, be it

RESOLVED, that the Libertarian Party of California condemns the U.S. Supreme Court’s decision in *Kelo vs. New London, Conn.* to effectively destroy private property in American cities; and, be it further

RESOLVED, that the Libertarian Party of California will hereinafter direct its efforts toward the removal of any legislator who sponsors or votes for enabling legislation and any member of a local government agency who votes for an eminent-domain “taking” for economic development purposes; and, be it further

RESOLVED, that the Libertarian Party of California urges Congress to quickly pass, and State Legislatures to quickly ratify, an Amendment to the Constitution of the United States overturning this deplorable decision.



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Libertarians March at SF Pride

The free-spirited San Francisco Pride celebration held June 25-26 was again a success for the libertarian contingent, Outright Libertarians.

"I think we did good!" said Outright's local Chair, **Richard Newell**, also a member of the LPC

Executive Committee. He gives "official thanks from Outright Libertarians of the S.F. Bay Area to all those who participated in the annual parade and festival.

Special thanks go to those who helped set up and man the

booth, and to LP of East Bay for the loan of the tent and other supplies." Often they had all six clipboards at work with people taking the World's Smallest

Political Quiz. "Also, I want to thank our financial contributors. The local effort was funded mainly by **Michael Acree**, the writer of one of Outright's most popular brochures, being used nationwide."

S.F. Pride is a celebration

of unconventional lifestyles and the right to same. The Libertarian Party defends the right of individual choice of spouse or life partner, and eschews government intrusion in marriage, whether defining it or licensing it. ●

Are Californians "Patriot"ic? LP'er Shows It's Easy to Speak Out in Sacramento

by **Michael P. Murphy**
Vice Chair, LP of Placer County

On June 21, I slapped on my shorts and Hawaiian shirt (see photo at right) and headed downtown to the north steps of the Capitol to help protest against the U.S.A. PATRIOT Act (Patriot Act).

First, I spent a few minutes playing groupie to see Arnold head toward his press conference. It may just be me, but I could have sworn our Governor was a lot shorter since his latest performance poll.

Next, I was asked unexpectedly to visit various senate of-

fices to promote the Resolution to Amend the Patriot Act (SJR 10). Should it pass the Assembly and Senate, California might become the seventh state with such a resolution. More than 373 American cities also have adopted such resolutions.

Already, the "red" state of Montana and five others have passed resolutions to amend the Patriot Act. Uncharacteristically, California didn't take the lead this time.

Underdressed for the occasion, I walked from senate office to senate office explaining that Placer County Libertarians were in support of the Resolution.

Later, seated in the Judiciary Committee meeting room, I noted all the big spending bills

placed before the committee. One time, I had to speak out against the idea of the state licensing credit counseling services. Shorts and all, I made my points before the Senators. Because of a lack of a quorum,



• **Michael P. Murphy**

the bill did not pass. It feels good to know that any citizen can make his point heard so easily by ranking members in California's government.

When it came time for our Resolution, sponsored by District 10's Liz Figueroa of Fremont, **Mark Hinkle** represented well the Libertarian Party's stand. The Resolution to Amend the Patriot Act passed the first hurdle of the Judiciary, 4 to 1. It was the first bill to do so that day.

There is a lesson in this. Any Californian can make his or her voice known at these meetings. Just get off the couch; head down there; and speak your mind. The Judiciary meets every Tuesday at 1:30 in Room 112. (Despite my own example, dress nice!) You can really make a difference, especially in swing vote situations. This is true for City Council and County Supervisor meetings as well. As Libertarians, we have the moral high ground. When we lose, you can still sense political embarrassment in our opponents. They know when we have called their number. They know when they have sinned against all of us known as "we the people."

Let's get to work. It's the least we Libertarians can do to protect our freedoms and our property from City, County, and State confiscation. ●

MICHAEL P. MURPHY is the author of The Government, and is a former Chair of the LP of Placer County, where he currently serves as Vice Chair. His firm, The Small Businessman (www.SmallBusinessman.com), provides general consulting services for small and micro businesses, and "exists to promote and defend original American free market and small business principles."

-Dave Ruprecht
Executive Director, LPC

Photo: Brian Radzinsky



Photo: Nathan Davis-Floyd

Photo: Brian Radzinsky



• Scenes of libertarian outreach at 2005 SF Pride.



Photo: Nathan Davis-Floyd

The Power of Entrepreneurs and the Web: Join Challenge '06!



FROM THE EXECUTIVE DIRECTOR

I am so excited about our prospects for next year's election. In 2004, so many people voted while holding their noses, thinking, "I dislike this candidate, but I dislike

that candidate even more." The Libertarian Party of California has a great opportunity in 2006 to promote our candidates in a less polarized election.

To achieve our goals in 2006, I am launching an initiative to focus on a natural constituency for Libertarians: small business owners. Who knows better how big-government regulation and bureaucracy impede business

than the innovative entrepreneurs who are the backbone of California's economy. Also, anyone who successfully employees 20-150 people already possesses many of the talents and expertise we desire to grow the party: organization, people skills, and determination. They also have the resources to afford them the ability to contribute to our campaigns next fall.



We need your help. This approach takes dollars—plain and simple. **Ray Melissa**, a committed Orange County Libertarian and a business owner himself (www.MelissaData.com), has generously offered to design Internet search ads that will lead interested Web surfers to an informative page on our web site. The campaign will initially target issues meaningful to small business owners and will be easy to expand. Mr. Melissa is giving us a very "Libertarian" rate for his work, but we must pay the search engine provider every time a potential Libertarian clicks on one of our ads. Then, consider the cost of contacting interested parties either by mail or phone.

That is why I'm asking for your help in our goal of expanding individual liberty throughout California.

Here's a form for you to support Challenge '06. Please fill it out with the most generous pledge you can make and mail it to me today. With your help, we can expand our membership and discover viable, electable candidates for next year's critical election.

CHALLENGE '06

Yes, I want to support the California Libertarian Party Outreach!

Here's my Best One-Time Contribution:

- \$3,000 - Admits me into the Torch Bearers Club!
- \$1,000
- \$500
- \$100
- \$25
- \$_____ Other contribution

Check enclosed (payable to "Libertarian Party of California")
No corporate checks, please.

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Please mail to: Libertarian Party of California - 14547 Titus Street, Suite 214 - Panorama City, CA 91402

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