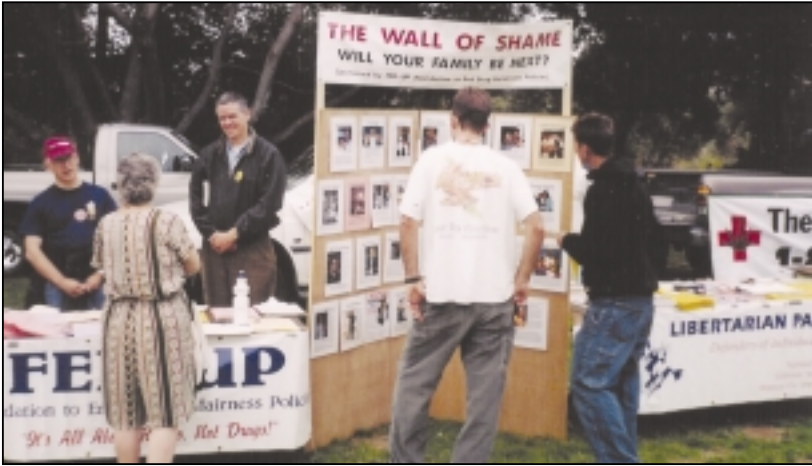


# California Freedom

January 2004 \_\_\_\_\_ The official publication of the **Libertarian Party of California**



• **FED-UP and Libertarian Party share booth and dream of people's self ownership in the arena of medicinal marijuana at Sept. 14 festival. See article on page 6.**

## LPC Drug Rights Champion Defeated

Two weeks before the 70th anniversary of the repeal of America's first disastrous experiment with prohibition, LPC activist Steve Kubby was defeated. His appeal to Canada's Immigration and Refugee Board for refugee status, after a battle over his rights to continue to treat his adrenal cancer with medicinal marijuana, was rejected on Nov. 17.

Supporters have no doubt that if Kubby, who was the LPC's gubernatorial candidate in 1998, is returned to California he will be jailed, and that previous jail terms have taken him to within hours of death.

British Columbia Cancer Agency testified during the hearing in April that Kubby, 57, would die within four days of not smoking marijuana to relieve the symptoms of adrenal cancer. His impending California jail term is for 120 days.

Local California officials have stated that he will be denied his life saving medicine.

Despite such compelling testimony and circumstances, Adjudicator Paulah Dauns wrote, "There are no substantial grounds to believe that his removal to the United States will subject him personally to a

Dr. Joseph Connors of the

• See **Kubby** page 6

### ■ Taxation Alert

## Prop 56: An Assault on Proposition 13

by **Jon Coupal**

President, Howard Jarvis Taxpayers Association

As the holidays approach, and we prepare for the gift giving season, it is easy to overlook Proposition 56, a "present" for taxpayers that public employee unions have placed on the March 2004 ballot.

Unfortunately, Proposition 56, benignly titled the "Budget

Accountability Act," is like the gift the Greeks left outside the walls of Troy. It contains some very nasty surprises.

Proposition 56's sponsors—California's largest public employee unions—are seeking to lower the vote needed to pass a state budget and to reduce Proposition 13's requirement of a two-thirds vote of the Legislature to increase taxes.

Because the promoters know that a straightforward effort to make it easier to increase taxes would be rejected by wary voters, they have wrapped their mischief in attractive packaging. To convince voters to say yes, backers will be touting Proposition 56's provision to dock lawmakers' pay for failure to pass a budget by the constitutionally mandated deadline, and the measure's requirement that the state establish a rainy day fund. Then there is the title, "Budget Accountability Act," with which

they hope to go forward to victory—after all, is anyone opposed to government accountability?

Unfortunately, it is all a ruse, and the title of this measure is pure fraud. If these statements were made in commercial advertising the district attorney would

### The title of this measure is pure fraud.



• **Jon Coupal**

be filing charges. Proposition 56 should properly be called the "Blank Check Initiative" because it would give lawmakers the ability to take whatever they want from taxpayers. And because public employee unions are playing an increasingly powerful role in the election of our representatives, public employees, who are already the highest paid in the nation, expect to benefit handsomely.

• See **Prop 56** page 6

### ■ Fund Raising

## Libertarian Ladies Tout Turn-Ons

The hottest Libertarian fund raising tool of 2004 is now more available than ever! The Ladies of Liberty 2004 calendar is filled with enticing explanations of libertarian principles by a bevy of Libertarian Party beauties from across the country.

Libertarians may order the calendar in bulk at a special rate, for use by your local Libertarian Party chapter, your Libertarian candidates' campaigns, or your other pet libertarian cause.

For bulk orders for your Libertarian fund raising project, send an e-message to calendar creator Rachel Mills (Rachel@RachelMills.com), and include the following information (also posted on the web, at RachelMills.com/2004calendars.html):

- Name, organization
- Quantity (multiple of 10)
- Beneficiary of funds raised
- Beneficiary's phone or e-mail address
- Shipping address
- Method of payment (no business checks, please)

Ms Mills will then provide the bulk cost (still being set at press time), and if the order exceeds \$100, employer and occupation will be needed.

For retail orders, whose proceeds will also support libertarian causes, contact one of California's ladies of liberty:

Elizabeth C. Brierly at ElizabethB@Netgate.net, or Lori Adasiewicz at Lori@SmythLaw.net.

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**SUBMISSION DEADLINES**

All news stories, editorials, and announcements are due six weeks prior to the month of publication:  
• **March 2004:** Due 1.19.04  
• **April 2004:** Due 02.19.04  
• **May 2004:** Due 03.20.04

Advertising orders and artwork are due eight weeks and four weeks, respectively, prior to the month of publication. We reserve the right to refuse advertising.

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# Ready, Set...A Big Change in Election Strategy



## FROM THE CHAIR

**Y**ou know that I don't engage in a lot of hyperbole. But I may have figured out how to get many more Libertarians into public office.

I've just experienced what can only be called a defining moment in my thinking about politics. I've had only four such significant moments in my life.

The first was in 1979. I was introduced to libertarianism and the Libertarian Party. Through the writings of great authors, my mind opened to the possibility and hope that freedom can bring to the world. You've probably had a similar epiphany too, when you couldn't help but tug at others' lapels, eager to share your realization.

In 1990 I managed my first winning campaign. I grasped that for many our message was not meaningful until we could demonstrate that our ideas work in real life. Winning office and serving was the most effective way to do this.

In 1998, a newspaper article disclosed how some seats in small elective offices were being appointed by the local county board of supervisors because there weren't enough candidates

running. I figured out that the major political parties couldn't afford to focus on these races because it could cost them victories at higher levels. And by designing a systematic recruitment effort we could win many local races at relatively low cost. This approach bore fruit: in three years we won 52 elections at a cost of around \$1,500 each.

Very recently, my fourth defining moment awakened me in the middle of the night.

I spend a lot of time thinking about what it will take for the LP to succeed. Suddenly I realized I wasn't finding the right answers because I've been asking the wrong questions.

I realized the *right* questions:

- Who first formed political parties?
- What is the purpose of a political party?
- What are we doing that's different from the dominant parties?

Before we had political parties, we had elected officials. Politicians formed political parties to maintain their power, better serve their constituencies, establish a brand with which the electorate could identify, and recruit other candidates who shared a common agenda.

The dominant parties began with people already in power and then extended their reach to everyone else. This makes sense. Human beings are often organized in hierarchies, whether it is in government, business, com-

munity organizations, families, or political parties. Those in leadership positions can exercise great influence over others. Often this is an efficient method of making and implementing decisions.

The LP has been attempting to succeed by going in the opposite direction: getting those *not* in elective office and who *already* embrace our ideas elected to office. This has not been effective.

Few of us have experienced running successfully for office. Defeating an incumbent is ex-



tremely difficult since he already has a relationship with the voters. His personality is well-suited to

politics, and he better understands the technical aspects of good marketing and public relations. Contrast this to the LP, filled with great thinkers—scientists, engineers, programmers, and the like. How many of us would make a good used car salesman?

Succeeding in major politics is as challenging for us as it would be to start an airline with no prior experience. As bright as many Libertarians are, the odds are long that a group of us could found an airline and make it profitable. Politics is similar to any other endeavor, in that successful prior experience counts

for quite a bit.

The solution may be for us to recruit into our party those *already* in office who share our ideals. Of course, the higher someone is on the political ladder, the less likely he would be to leave a dominant party—after all, it was his political party which helped him achieve his current position. But in California, the vast majority of elective offices are non-partisan. Most politicians reached their positions due to their community involvement; their support came from their own network, not a political machine. Many thousands of such elected officials are here. And it seems that a growing number of them are not happy with their current party.

We will be working hard to refine an approach to woo those people into our fold and build a political party the old-fashioned way—with elected officials who already share our values forming our core.

But I'll need your support to accomplish this. Soon I will provide details and ask for your support with a performance-based pledge. Just as many of you pledged support to Libertarians elected in 2002, you'll be asked to contribute only if—or *when*—we succeed.

Toward liberty!

*Aaron Starr*  
Aaron Starr, CPA, Chairman

# Righting Wrongs: Finding our Best Strategy

## FROM THE EDITOR



**T**wo wrongs don't make a right, but three lefts do.

I often impart this play on words with friends who'll be driving in San Francisco, where at so many intersections, turns are limited to one direction. It's important to know how to maneuver when choices are limited, to understand alternatives, and to know your resources.

In this issue of *California Freedom*, we are assailed by news of odious infringements on our rights.

The busybody federal government has violated—more than once—California's right to set its own policy on medicinal marijuana. Didn't the founding fathers declare sacrosanct the right to life?

The Supreme Court has demonstrated an unconscionable level of judicial activism in its decision to impinge on our right to freedom of speech, with its having upheld the McCain-Feingold campaign finance reform act of 2002, a slap in the face to those of us brash enough to question the two-party stranglehold on public office.

How can we right these wrongs being inflicted on our rights? Are we just banging our head against the wall?

Party Chairman Aaron Starr

describes a paradigm shift he experienced recently, a new way to approach the problem of how to increase the number of public offices filled with Libertarians. He will gear up soon to act upon this new strategy, with your help of course.

We discuss some ideas of what you can do this year to help the LP in its work toward retaining or restoring our rights.

You can help LP retain and reinforce its accessibility to citizens in all 50 states. This will be even more important PR device in light of the campaign finance reform travesty.

You can help your local candidates create their campaign teams for their quest for public office. Vern Dahl of LPC was just selected president of his community services district. Filling these positions of power—large or small—is our most clear mis-



sion as a political party.

You can attend your regional convention and join their panel of delegates to the state convention. Have your say in the direction of the LPC, and hear from all types of libertarian thinkers about effective strategies and tactics for promoting liberty.

You can convey to those in power that they must consider adopting libertarian policies, or they will never come close to winning your vote—you only get one vote, and it's precious.

Toward greater liberty!

*Elizabeth C. Brierly*  
Elizabeth C. Brierly, Editor.

■ Activism

# Engaging Youth in Politics

by **Dave Hollist**  
Member, San Bernardino LP

November in the L.A. area brought an opportunity to engage over a thousand budding young politicians. I attended the Junior Statesmen of America (JSA) conventions on November 15 in Los Angeles and November 29 in Costa Mesa. These high school students represented JSA chapters from all over the Los Angeles area.

About one thousand JSA members attended from their Los Angeles area chapters. The chapters meet weekly on their high school campuses, and convene several times each year to debate their political views with members of other chapters. They invite groups such as the Libertarian Party to present their ideas. Being personally invited, I was able to hand out several hundred of my campaign flyers, and engage in the most wonderful conversation with people truly interested in government.



Photo: Dave Hollist

• **Politicians-to-be are held rapt by LPC activist Sandra Kallander at JSA convention on Nov. 15. Also pictured are LPC members Edward Bowers and Philip Heath.**

The students were delightful as always—several even remembered me from past years' conventions. There were chuckles elicited by our party's ingenious telephone number, 1-800-ELECT-US, displayed on a

sign I'd taken to the events, along with our web address.

Confronted with many active minds, it was convenient to be able to say that Libertarians take the business freedoms promoted by the Republicans—who were literally on my right—and wed those with the personal freedoms advocated by the Democrats—literally positioned on my left. We Libertarians choose the moral middle position by never forcing people to do anything that they don't want to do, but still can effectively operate our government to protect their lives and possessions.

There were hearty laughs when one fellow scribbled a Hitler-like mustache on a life-size cutout of our president. But it was a more nervous brand of laughter from several young men when I shared that my brother has never really recovered from being drafted to fight in Vietnam—they know they are supposed to register for selective service when they reach eighteen.

In the spirit of coalition building, I spoke with Pat McNally, there representing the American Civil Liberties Union, who offered to send a speaker to our regional meeting to see whether we have common ground on the USA PATRIOT Act.

Dave Hollist is database manager for the LP of San Bernardino County. He ran for President in 2000, receiving over 2,500 votes in the primary election. He is reprising this goal in 2004. He advocates contract insurance as a method for funding government without levying involuntary taxation. You can learn more about this idea at Hollist's web site: OurWorld.com/serve.com/homepages/constitution/

*Mr. Rider would like to encourage LP Congressional candidates challenging incumbent Republicans, particularly in gerrymandered districts, to co-opt his letter as a press release or as a letter to the editors of major newspapers. Feel free to name names.* — Editor

Don't waste your vote in an election where the outcome is already decided. Send 'em a message. Vote Libertarian.

— Richard Rider  
LPC 2004 Convention Speaker  
San Diego



## Letter to the Editor

### Strategy for LP Against Republicans

Clearly the G.O.P. has become the PIG party—the Party of Increasing Government. They are trying to out-Democrat the Democrats, and are succeeding.

With Republicans controlling Congress and the White House, nondefense spending has mushroomed far faster than it did under the hated Clinton administration, or when the Democrats controlled the Congress. Deficit spending has been raised to a frightening new level. Bush has yet to veto a single spending bill.

So how can we send a message to the President, our spendthrift Congressman and his party that they are on the wrong track? It is extremely unlikely that Republican congressmen can be unseated in [these] safe, gerrymandered district[s]. Voting for the Democrat accomplishes nothing—if anything, it says you want the government to grow even faster!

The only way to have your vote tell a Republican congressman and his free-spending party that you want the G.O.P. to stand

again for limited government is to vote Libertarian. Every vote for a Libertarian clearly says that you want a smaller, less intrusive government, lower taxes, and no deficit spending. Unfortunately such a vote is unlikely to change the outcome of LP candidates' rigged elections. But their candidacy gives you a chance to vote for fiscal sanity and against the new anti-conservative policies of the G.O.P.

## Welcome Aboard!

It's a pleasure to welcome these 25 Californians who joined the LPC in November! They include students Carl Corbin and Robert Wilson, teachers Sean Byrne and Hashim Bomani, lawyer Tod Dubow, and Thomas Janci, a sales professional. We hope to see each of you helping pave "the Road to Success" at our annual convention in March.

- Mark Appleman .....San Francisco
- Hashim Bomani .....Compton
- Sean Byrne .....Fresno
- Glen Cooper .....San Diego
- Carl Corbin .....Oakland
- Tod Dubow .....Los Angeles
- John Dunn .....San Clemente
- Judy Faas .....Chula Vista
- Saira Furner .....Kentfield
- Steven Futterman .....Imperial Beach
- Brad Gray-Smith .....San Diego
- Steve Halbe .....San Diego
- Karen Houston .....Bonita
- Thomas Janci .....San Francisco
- Blake Lawless .....San Diego
- Sandra Lopez .....San Ysidro
- Anthony Montalto .....San Diego
- Murray Ogman .....Escondido
- Tom Phelan .....Dana Point
- Don Price .....Oceanside
- Robbin Toepperwein .....Hawthorne
- Lance Wahl .....Lucerne Valley
- Todd Whitaker .....San Jose
- Robert Wilson .....San Luis Obispo
- James Wittenberg .....Sacramento

## Shopping for a home?

**Tap into the brand new Libertarian Network of Realtors and help boost income to the LPC!**

Longtime Libertarian and Chair of Gold Country Libertarians, Al Segalla, with his 25 years of experience as a Realtor, has created a way for you to work with Libertarian Realtors while benefiting the LPC. It's a Libertarian Realty Network! As directed by you, their Libertarian customer, Network Realtors will donate 20% of their Network commissions to the LPC or any other Libertarian cause you endorse.

Tap in! Visit  
[www.BambiLand.com/NetWork.html](http://www.BambiLand.com/NetWork.html)

With so many Libertarians in California, this could yield several hundred Network transactions each year.

Albert J. Segalla, Realtor  
Chair, Gold Country Libertarians



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■ Campaign 2004

# Voting Against Libertarians is a Wasted Vote

**by Bruce Cohen**  
Chair, LPC Awards & Recognition Committee

Recently a letter has been circulating among Libertarians advocating supporting the Democrat in order to oust George W. Bush from office. If you haven't seen it yet, you will. I'm not sure whether the author is a saboteur or just misguided, but no matter—he is wrong.

Voting for or supporting Democrats is a sure-fire way to lose the freedom effort. There is no way a Libertarian should ever make that mistake. Both Republican and Democrat candidates will take our country in the wrong direction, neither being much better or worse than the other.

I've heard many respected Libertarian leaders say they are certain a Democrat, whoever that may be, will be a far worse President than Bush. There are many for whom the opposite is so. As for me, I'm convinced that

I don't have much control over who'll get elected next November—that is, unless I vote Libertarian.

Make no mistake, unless it's a Libertarian in the White House, we won't have much progress in the right direction. And every time someone buys into the "wasted vote" theory, they lose any chance of making their vote count.

Me, I am voting for the Libertarian. Gary Nolan and Clyde Cleveland are both far more deserving of my vote—as is anyone with an "L" after his or her name and not a "D" or "R." And when Libertarians across the country vote as I will, those votes will matter. Unlike voting for an unnamed Democrat, who might or might not be "less worse" than President Bush.

When you vote Libertarian, wonderful things happen:

1. The press notice, and are more likely to list us in post-election vote tallies.

2. The Democrats and Republicans notice, and will change their policies.

.....  
**Unless it's a Libertarian in the White House, we won't have much progress in the right direction.**

3. Other candidates on the same slate will get more coverage.

4. At the next election, we will get more coverage and respect.

5. At the next election, more Libertarians will vote with you.

But, the very best reason to vote Libertarian is this: You won't have to take a shower every time you consider voting

for the less evil of two lessers.

Remember, most Libertarians thought George W. Bush was far less bad than Al Gore. Now, many have changed their minds. In California, most Libertarians voted for Arnold Schwarzenegger or Tom McClintock. Would their vote have been better used supporting the Libertarian? Obviously so.

Don't fall into a trap distracting you from our goal. Voting for anyone other than the Libertarian will never get anyone elected. Not anyone good, I can guarantee you.

Certainly, the chance of a Florida-style dead heat is so low

as to make it unlikely to recur in our lifetime. In the over 95% of the races that are close enough to call, you are throwing your vote away if you vote for the clear winner, or the second place non-Libertarian. In the remaining few races that are close, if you choose to vote against the Libertarian, ask yourself this question: one, five, and ten years after the election, what will have made the most impact, voting for or against the Libertarian? •

Bruce Cohen is a Realtor specializing in residential property. He's been a small business owner and since his youth, a top fundraiser for charitable and political groups. Cohen is a long-time firearms enthusiast and safety advocate, and is running in 2004 for U.S. Congress, District 48. You can visit his campaign at [www.GetBruce.com](http://www.GetBruce.com).

For the latest activities, discussion groups, meetings, parties and demonstrations of the Libertarian Party of California and to link to your local region's site, check out [www.CA.LP.org](http://www.CA.LP.org).



## Decisions, decisions

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■ Coalition Building

## Help LP Remain a Contender Nationwide

**by M Carling**  
At-Large Rep, LPC

The Libertarian Party is the only "third" party to have achieved fifty-state ballot access for its presidential candidate, having done so in 1980, 1992, 1996, and 2000. This repeated accomplishment, unique among third parties, is a cornerstone of our claim to be the most significant American third party. It is one of the best arguments we have for inclusion in the debates.

The 2004 ballot drive is now underway across the country. Ohio, a state known for particularly daunting ballot access barriers, has already achieved ballot status for 2004. Fifty-state ballot status in 2004 is possible—but not guaranteed. The National LP will be helping less this year than they have previously. That means all of us need to pitch in directly. Of course the LPC always

values your support, but other states' LP organizations are as much a part of the LPC's coalition as are other libertarian-led ventures such as the Recall Gray Davis effort or the Free State Project.

Oklahoma is in the midst of a very challenging signature [drive]. Because of the large number of signatures needed and the short time during which they may be collected, professional signature gatherers must be hired. Each signature will cost between \$1.00 and \$2.00. Your help is needed.

Please make the best contribution you can today to secure the Oklahoma LP's ballot access and credibility. \$500 or \$1,000 would make a world of difference. \$100 or \$250 would garner a hundred or more desperately needed signatures. Even \$15 or \$25 will help to ensure that voters across the country have a chance to vote Libertarian.

To contribute to the Oklahoma drive, contact Tom Laurent

<TLaurent@cox.net>. Please make your best possible donation today.

M Carling is the owner of Codeworks, a custom software development firm based in Lithuania. The firm is producing software—free of charge—to facilitate the Party's campaign to recruit Libertarian candidates to run for office. A California native, Carling earned a degree in Political Science at U.C. Berkeley and did graduate research at the Hoover Institution. He is the author of two books.

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■ Campaign 2004

# Who's On First? Casting Campaign Roles

No matter the size of any political campaign, it doesn't take long to be faced with the questions of responsibility for the many important and critical elements necessary for success. The size of the race may determine who is responsible but not the responsibilities. Campaigns up and down the scale have generally all the same requirements whether performed by paid staffers or volunteers. Identifying who is responsible for what, early in the effort, will save heartache and misery for all involved and enhance the likelihood of success.

Many variables determine the number of people who work in a political campaign. The most important is almost always money. The size of the district, *i.e.*, the number of voters, is another important consideration. Also, the number of volunteers available is sometimes a limiting factor. The secret is to have a sufficient number of staff, both paid and volunteer, to perform all of the necessary functions of the campaign, without consuming too much of the campaign's treasury. Remember, the campaign must preserve sufficient resources to purchase materials and media to get the candidate's name and message out to voters. If the campaign can easily afford staff (without taking crucial resources from media) there are certain basic offices that should be filled. Hopefully, volunteers can fill key positions when money doesn't allow [for] paid staffers.

In many local races, the candidate (along with his/her spouse) performs virtually all functions of the campaign. He/She is the fundraiser, the communications director, the bookkeeper, the scheduler and campaign manager, as well as the candidate.

In races for higher offices, such as governor, the candidate cannot perform all functions of the campaign by himself/herself and it is necessary to delegate responsibilities to others. Again, decisions regarding staff must be made according to the funds and/or volunteers available. As a general rule, the possible primary staff positions and their responsibilities for a campaign are:

**Campaign Manager** - Oversees all aspects of the campaign and, with the candidate's help, formulates strategy for the campaign. The campaign manager also determines the candidate's

schedule and tries to maximize all resources.

**Finance Director** - Responsible for helping the candidate raise money. In most cases, the candidate must be the one to actually ask for money and "make the sale," but the finance director organizes the fundraising operation and events and makes sure that the candidate's fundraising time is as productive as possible. The Finance Director must keep the candidate focused on making calls, even when he or she [would] rather not.

**Communications Director** (or press officer) - Responsible, along with the campaign manager and candidate, for determining the campaign messages and methods of getting the messages to as many voters as possible. Helps devise strategy for obtaining "earned" media and for maximizing voter impressions from paid media. Helps keep campaign on message and tries to keep the media focused on the candidate's message, rather than on distractions. Provides media with regular information from the campaign and protects the candidate, as well as possible, from predatory

**Identifying who is responsible for what, early, will enhance the likelihood of success.**

negative press attacks.

**Body Man** (or Woman) - Responsible for taking care of the candidate, including driving him/her to and from appearances and meetings and making sure he/she is on time. The Body Man also collects business cards of people the candidate meets and makes sure that campaign materials are distributed at each event at which the candidate appears. When it's time for the candidate to go, the Body Man

should have the car "on the curb" waiting. The candidate must never have to worry about getting to and from events, if possible.

**Scheduler** - Responsible for receiving all requests for candidate appearances and reviewing these requests with the campaign manager and other key staff to determine the candidate's weekly schedule. Once the schedule is determined, it is the scheduler's responsibility to ascertain and write on the schedule all of the details of the events the candidate will attend, including specific directions and times. Also, who will be present? What are the candidate's responsibilities? Is he expected to make a speech? If so, is there a podium and a microphone? Is the candidate meeting with a potential contributor to ask for a contribution? What should he wear? **Nothing should be assumed. The candidate should never be surprised at an event.**

**Office Manager** - Responsible for maintaining the office equip-

ment, paying campaign bills, and keeping all financial disclosure information and other data bases. Also organizes volunteer activities and assumes other tasks assigned by the campaign manager.

Note: Prepare an Organization Chart from the beginning. Make absolutely sure the lines of responsibility and authority are clearly established and made available all the most important people in the organization. Do it once and then change [it] only if absolutely necessary.

**A Word of Caution**

In a major campaign, staff and office space can consume a large portion of the campaign's budget. **DO NOT HIRE STAFF UNTIL ABSOLUTELY NECESSARY.** As a rule of thumb, the campaign manager should initially be hired as a part-time consultant to provide advice. The first full-time staff person should be the finance director and the candidate should spend the bulk of his/her time raising money. In a most

racess, NOTHING else is as important as raising money for paid media. Often, the candidates in a multi-candidate race will place in the election based upon the amount of money spent. That is no coincidence. Only after the fundraising effort is well established should other staff be added. ●

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• The 2003 *Ladies of Liberty* created quite a buzz! This cartoon by artist Trip Park was originally published in the Greensboro News & Record in North Carolina, home of calendar creator Rachel Mills. The 2004 calendar features LP members from all across the country.

## Prop. 56 Continued from page 1

Proposition 56 is a direct attack on Proposition 13. It would replace Proposition 13's mandate that new or increased state taxes [require no less than] a two-thirds vote, with an easily attainable 55% vote.

During last summer's budget debate, lawmakers introduced measures that, combined, would have raised taxes at least \$60 billion. If Proposition 56 had been law, many of these bills would have passed and Californians would now be paying billions of dollars in new taxes.

Howard Jarvis and Paul Gann designed Proposition 13 to be more than property tax relief. It

vote on most local taxes and a two-thirds vote of the Legislature to increase state taxes.

The Proposition 13 system has made it more difficult, but not impossible, to raise taxes. Indeed, the largest tax increase in California history passed with the higher threshold as recently as 1991. Given the current makeup of the Legislature, lowering the vote requirement to 55% would assure that just about every tax increase proposal would pass. Lawmakers would no longer need bipartisan consensus or strong justification.

Proposition 56 would also eliminate the two-thirds approval required to pass a state budget. While critics have blamed this requirement for the late budgets of recent years, it has been law for 70 years and has worked well to make sure that all perspectives on the state budget are considered.

Although some have portrayed this as a Democrats—who hold a majority in the Legislature—versus Republicans issue, opposition to reducing the two-thirds vote to pass a budget is not limited to the minority party. Democratic Assemblyman Joseph Cenciamilla has said that the current system encourages compromises that benefit the public.

If informed voters think Proposition 56 sounds too radical to pass, they should think again. The deceptive approach taken by promoters of Prop. 56 has been successful in the recent past.

In 2000, backers of

Proposition 39 were successful in eliminating the two-thirds vote to raise property taxes to pay for school bonds. Tens of millions of dollars in television advertising for Proposition 39 focused exclusively on its dubious accountability provisions and did not mention how lowering the voter threshold to 55% would guarantee that almost all school bonds would pass regardless of merit.

So voters took in the Trojan Horse of Proposition 39 and all the tax increases it contained. In the three years since the two-thirds vote was reduced local property owners have been hit with over \$20 billion in new obligations.

If voters are not careful, in March, history will repeat itself. •

Reprinted with permission; originally issued the week of December 1, 2003 by Howard Jarvis Taxpayers Association. You can view this commentary on line at [www.HJTA.org/calcommentary044.htm](http://www.HJTA.org/calcommentary044.htm).

Jon Coupal is an attorney and president of the Howard Jarvis Taxpayers Association—California's largest taxpayer organization, with offices in Los Angeles and Sacramento. HJTA's web site address is [www.HJTA.org](http://www.HJTA.org), and there you may subscribe to HJTA's e-newsletter.

If you'd like to learn more about Proposition 56, contact Californians Against Higher Taxes, who have dubbed this measure the "Blank Check Initiative." The organization can be reached in Northern California at (650) 340-0470, in Southern California at (310) 996-2678, or on the web at [www.NoBlankChecks.com](http://www.NoBlankChecks.com).

## Prop. 56 would assure that just about every tax increase proposal would pass.

was intended to be a complete package of taxpayer protections. They saw no benefit to reducing a property owner's taxes if government could turn around and take as much or more out of the taxpayer's other pocket. To prevent this they required a public

## ■ Drug Rights Watch

# Festival Marks Anniv. of Fed Violation of Prop. 215

by Lawrence Samuels  
Northern Vice Chair, LPC

Sept. 14 marked the first annual Santa Cruz WAMMFest, a benefit for Wo/Men's Alliance For Medical Marijuana (WAMM). The Alliance has been organized in response to the September 2002 arrest of Valerie Corral and her husband by the federal Drug Enforcement Agency at their medical marijuana farm and clinic in Santa Cruz.

The Libertarian Parties of Monterey and Santa Cruz had a booth alongside Foundation to End Drug Unfairness Policies (FED-UP), of which I am chairman. I was accompanied by Pat Dugan, the chair of Santa Cruz LP, David R. Henderson, and other volunteers.

WAMM is a self-described collective of seriously ill patients who work to educate the public regarding marijuana's medical benefits, and to insure that patients with a recommendation from their physician have safe access to legal, natural marijuana for the treatment of termi-

nal and debilitating illness.

WAMM ([www.WAMM.org](http://www.WAMM.org)) works closely with local law enforcement and brought the issue of medical marijuana use before Californians through Proposition 215, which passed democratically and overwhelmingly.

Nonetheless, in direct violation of California law, on Sept. 5, 2002, the DEA raided the WAMM garden, and using chainsaws, destroyed medicine belonging to 250 patients, 85% of them terminally ill. WAMM and the City and County of Santa Cruz have since filed charges against the federal government.

Hundreds attended the festival, which featured live music, vendors hawking clothes, food, jewelry, and everything cannabis, along with a crowd friendly to libertarians, including representatives of Marijuana Policy Project ([www.MPP.org](http://www.MPP.org)), also registered as a vendor. •

Lawrence Samuels is a long-time libertarian activist. He founded Freedom Watch ([www.Freedom1776.com](http://www.Freedom1776.com)), and is editor of the very handy book, *Facets of Liberty: A Libertarian Primer*. Samuels works as a Realtor, and this year is serving the LPC as Northern Vice Chair. He can be reached at [lawsanz@hotmail.com](mailto:lawsanz@hotmail.com).

## Kubby continued from page 1

danger of torture."

Kubby's wife and two daughters were denied refugee status as well.

Will states' rights be respected again one day? Will Americans be allowed the fundamental right of

self-ownership?

Concerned LPC members can keep track of the Kubbys' plight on line at [www.Kubby.com](http://www.Kubby.com).

For the case: [www.irb.gc.ca/en/decisions/kubby/va2\\_01374\\_e.htm](http://www.irb.gc.ca/en/decisions/kubby/va2_01374_e.htm) •



• Vernon R. Dahl (third from left) was elected president of Oceano Community Services District during the organization's Dec. 11 meeting. On hand to congratulate him were fellow Libertarians Anthony Romero, William J. Wagener, and U.S. senatorial candidate Gail K. Lightfoot.

■ Constitution Watch

# Supreme Court Strikes a Body Blow to First Amendment

by **Richard Rider**  
LPC Member and Anti-Tax Activist

The U.S. Supreme Court ruling shows how far the court has moved from upholding the Constitution. If the 1st Amendment doesn't protect political free speech, what does it protect? What part of the Amendment's words, "Congress shall make no law...abridging the freedom of speech," does the court not understand?

The write-up from the *Wall Street Journal* [*"The Limits of Growth: Justice O'Connor becomes a full-fledged judicial activist"*; Dec. 11, 2003] is just one of many commentaries castigat-

ing the court's majority decision.

The bottom line is that this is a *huge* new protection for incumbents—as if they needed any. No longer can noncandidates spend money to expose an opponent's position on issues within 60 days of the election.



• **Richard Rider**

The theory is that evilcorporations (let's just make it one word, as many can't say the latter without including the former) can sometimes effect the outcome of elections by exercising free speech, so let's not let 'em. But the irony is that this

prohibition does not apply to a group or evilcorporation if it owns a radio or TV station, or publishes a newspaper.

Hence media editors and reporters have been supportive of "campaign reform" as that leaves them as the only wealthy, influential voice (outside of the candidates and their limited contributors) that can spend money on reaching the public during the last 60 days of a campaign (when it matters). And yes, they DO spend money on influencing the elections. Do they not often tell us how we should vote? Are not the editors and reporters paid for their services? Don't the owners pay a pretty penny for printing and distributing the newspapers?

We are constantly reminded that "America is the freest country in the world." Aside from the fact that this assertion has not been true for some time, it is becoming more of a joke every year. The only thing that helps our fictional position is that other countries are also busy [revoking] their citizens' freedoms. Hence our relative freedom position *vis-a-vis* other countries remains fairly static.

What is true is that, each year, we are less free than the year before. This latest body blow to the 1st Amendment is just one more step away from freedom and towards institutional benevolent tyranny. ●

Richard Rider is a long-time Libertarian activist and president of Economy Telecom, contributing to the LPC based on sales of its long-distance telephone service. He was the LPC's 1994 candidate for Governor, and in 1998 garnered 16% of the vote in his race for San Diego Tax Collector. He can be reached at RRider@san.n.com.

## High Court's Ruling is All-Out Assault on Right to Engage in Politics

**Dec. 11, 2003, Washington, DC**—The Libertarian Party, which is one of the plaintiffs that challenged the campaign finance law upheld on [Dec. 9] by the Supreme Court, has denounced the ruling as an "all-out assault on the right of every American to engage in the political process."

"Why not just outlaw elections and get it over with?" said Geoffrey Neale, the Libertarian Party's national chair. "The Supreme Court has just given incumbent politicians the power to financially cripple their competitors and, in the process, award themselves lifetime jobs."

In a 5-4 ruling that shocked advocacy groups across the political spectrum, the Supreme Court endorsed key provisions of the McCain-Feingold campaign finance law. Specifically, the court upheld a ban on "soft money" contributions from wealthy individuals, corporations, and labor unions, as well as the law's prohibition on running certain political advertisements within close proximity to an election.

But Libertarians point out that McCain-Feingold was nothing more than an incumbent pro-

tection act in the first place—and that the court's ruling was tantamount to outlawing political competition.

"Running for office and communicating a message aren't free," Neale said. "So making it illegal to raise money to buy political ads, and banning the ads during the period when they're most effective, is tantamount to outlawing the message itself. That's a crime against the First Amendment as well as an affront to the democratic process."

"Incumbent politicians already enjoy powerful advantages," Neale pointed out, such as name recognition and the ability to attract news media, taxpayer-financed staffs and office space, and the franking privilege.

The so-called campaign finance reform act was merely an attempt to eliminate the only weapon that many challengers have: contributions freely given by individuals or groups that share their views, he noted.

Acknowledging that the stated goal of the legislation was to clean up politics, Neale said: "Justice Sandra Day O'Connor

pointed out that 'corruption, and in particular the appearance of corruption,' is rampant in Washington—and of course, she's right.

"But a free-flowing, robust political debate isn't the problem; it's the solution. The only way to dislodge an entrenched, corrupt politician is to allow competing candidates, and anyone else who so chooses, to publicly criticize them and offer voters a better alternative.

"By upholding McCain-Feingold, the Supreme Court has merely guaranteed that corrupt politicians will stay in office for a longer period of time."

In March 1992, the Libertarian Party signed on as a co-plaintiff in *McConnell v. FEC*, the lawsuit spearheaded by Kentucky Senator Mitch McConnell that sought to overturn the campaign finance reform law.

The party argued that the law would have a devastating impact on its activities by eliminating certain sources of revenue and imposing significant regulatory and administrative burdens.

For example, the law prohibits

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the organization from accepting donations of more than \$25,000 from any individual; prevents it from taking money from organizations that are not "recognized political committees," so it cannot sell ads in its party newspaper to nonprofit corporations or incorporated businesses; and cannot accept funds for memberships or literature from its own state affiliates, unless they also comply with the law's onerous

regulations. However, the party was vindicated by one aspect of Tuesday's ruling, Neale added, when the court struck down the provision of the law banning minors from making contributions to political parties. ●

Originally released Dec. 11, 2003 by the National Libertarian Party, George Getz, Communications Director. For more information, visit [www.LP.org](http://www.LP.org).

