

Let Freedom Ring!

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June 2004

Badnarik, Campagna to Lead Ticket Dixon is Chair; Wrights, Sullentrup, Nelson Are National Officers

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Official Message From the Badnarik Campaign

Greetings and thanks from Barbara Goushaw-Collins of the Badnarik For President campaign management team.

As you can guess, things have been pretty hectic around here! Michaels' stunning win at convention surprised everyone. My husband and partner in the "Troika" campaign management team, Fred Collins, supported Michael, while I supported Nolan. Neither of us thought we would leave At-

[Badnarik Campaign Release] (Continued on page 5)

Convention Elects All Officers, Considers Bush Impeachment Drive; LNC Meets; Issues Arise Post-Nomination About Presidential Campaign

At the 2004 National Convention held over the Memorial Day weekend in Atlanta, Georgia, on the third ballot, Michael Badnarik defeated Aaron Russo and won the Libertarian presidential nomination. Gary Nolan, who had lagged from the first, had already been eliminated on the second round of balloting. After his elimination, Nolan spoke for some minutes, first thanking his supporters and then urging them to vote for Badnarik, to all appearances giving Badnarik the victory.

[National Convention] (Continued on page 2)

Controversy over California LNC Representatives

We return to coverage in past issues about the California's National Committee representatives. Joe Dehn <jwd3@dehnbase.org>, the former LPCA LNC representative who was removed, made the following public statement:

"In my opinion, both the LNC and the LPC have failed to address this situation in a satisfactory manner. Yes, obviously I have a personal interest in this, but it would be true regardless of who were the individuals involved. What we have here, as I see it, is a rogue state chair who everybody else is either unwilling or unable to challenge.

If the LPC wanted somebody else as their representative, that was certainly their right, and there was a proper way to do it, but instead as has been the case on other issues in the past Aaron Starr has been allowed to just get away with whatever he wants -- and shown himself to be a total hypocrite in his alleged interest in following organizational rules. Clearly, for him, organizational rules are simply convenient excuses for bullying other people into doing what he wants -- not something that are bind-

[California] (Continued on page 6)

Massachusetts Libertarians on the Primary Ballot

Few in number, but all fine Libertarians:

STATE SENATE

Norfolk Bristol and Middlesex District: Louis Sinoff, 39 Rice Street, Wayland

Worcester, Hampden, Hampshire, and Franklin District: Carol McMahon of Monson. The McMahon Committee c/o George Phillies, 87-6 Park Avenue Worcester MA 01605

Both State Senate Candidates have Republican opponents.

STATE REPRESENTATIVE

7th Bristol: Raymond P Leary, 200 Goodwin Street Fall River

7th Middlesex: Greg Doherty, 541 Franklin Street, Framingham

23rd Middlesex: Dan Dunn, 63 Stowcroft Street, Arlington No R

14th Suffolk: Doug Krick, Committee to Elect

[On the Primary Ballot!](Continued on page 12)

Letter
Winning Hearts and Minds

Just when I thought I had seen it all - Harry Browne telling everyone that he was going to do them the favor of abolishing their Social Security Pensions, Jim Burns comes along.

LP News features a photo of Burns using the flag of the Confederate States of America as a backdrop. I am not quite sure what Libertarian ideals are to be found in a group of slave holders who would rather fight than switch, or those geniuses that willingly gave their lives for a feudal aristocracy who used them. People can work all they want on writing a historical treatise as to whether the Civil War was about slavery or not. To many average people it was.

I agree with a lot of what Burns is saying. I think causing Bush to lose the election is a worth while goal. It is important that the incumbent be punished by turning him out of office. I do not know whatever possessed him to pose in front of a Confederate Flag. Admittedly the last time members of my family interacted with such flag wavers, it was not entirely pleasant. I think the Confederate Flag will have a negative effect in most of the country.

Burns' photo may affect the rest of us.

90% of the signatures on my petitions were from Puerto Ricans, and they may not be overly thrilled about a Libertarian candidate posing with a Confederate flag. So, after I spend hours walking the streets introducing people to Libertarianism "Daddy Warbucks" Burns who has money for an ad in LP news decides to paste a confederate flag in the middle of it. I do not think Burns represents very many libertarians in his use of a Confederate flag, but most people will be unaware of sub-groups within the Libertarian party, and the photo could come back to haunt us.

Perhaps I was in error in thinking that the purpose of LP News was to try to get Libertarians elected.

In Massachusetts we have districts with fairly large numbers of Blacks and Puerto Ricans. In some areas "minorities" are really a majority. I do not know what Nevada Politics is like, but in this part of the country the tie between the symbols of a government that allowed people to perform labor in shackles and Libertarianism will not be obvious. From the perspective of the slave the government of the Confederacy was most decidedly not very Libertarian.

...Robert Underwood
PVLA Member

Now Available in Paperback

George Phillipies' books *Stand Up for Liberty!* on the Local Organization Strategy for the Libertarian Party, and *Funding Liberty* on the 1996-2000 Presidential campaign anomalies, are now available in paperback and ebook format. For more information <http://www.3mpub.com/phillies>

(Continued from page 1) [National Convention]

The reader should note that the acoustics in the hall were imperfect, so I may have misheard a vote. What I heard was:

On the first round, the total votes were
 Badnarik - 256
 Nolan - 246
 Russo - 258

with a few other votes for NOTA and candidates Hollist and Diket. The Chair had interpreted the Bylaws to indicate that write-in votes are not permitted, and therefore votes supporting L Neil Smith among others were counted as votes for NOTA. There were then motions to suspend the rules and eliminate Hollist and Diket (who had a half-dozen votes between them) so that the second round would only include the three leading candidates and NOTA. This motion potentially shortened the election by two rounds. The motions carried.

On the second round, the vote was
 Badnarik - 249
 Nolan - 244
 Russo - 285

plus a few votes for NOTA. This vote eliminated Gary Nolan, leading to a third round contest between Badnarik and Russo. There was then a motion by Lee Wrights to suspend the rules to permit Gary Nolan, who had been eliminated by the second round vote, to address the convention. Wrights felt that there was strong sentiment from the convention floor for such a speech, and did not expect Nolan's actual words.

Readers should not confuse this request on behalf of a defeated candidate with the entirely different event at the 2002 convention, in which, after the first round vote for National Chair eliminated your humble editor, and a second-round vote between Geoff Neale and Eli Israel was imminent, Eli Israel withdrew from the vote he was free to contest, leaving Geoff Neale to defeat NOTA on a voice vote. Israel changed who would be on the ballot. Nolan's remarks had no such effect.

Gary Nolan addressed the National Convention. He graciously thanked his hardworking supporters, and in closing to the surprise of many asked his delegates to vote for Michael Badnarik.

On the third round, the vote was
 Badnarik - 423
 Russo - 344.

Michael Badnarik won, and will be the Libertarian Party Presidential candidate for 2004. Badnarik made remarks thanking his parents and his supporters for their support and trust. He professed that he had not expected to win the nomination.

Badnarik is well known for his course on the Constitution, and

Web Pages:

Worcester wcla.tripod.com
 Western Massachusetts pvla.NET
 America and the World www.cmlc.org (Now in Spanish)

for his supportive text **It's Good to Be King!** Badnarik advances in his text a variety of positions on constitutional law and related issues. If you are a candidate or spokesman for our Party, you may be faced with questions about some of these positions. I have tried to identify several of these positions that may require some forethought to answer, and cover them in a separate article that follows this one.

There was then an election for Vice-President. There were four candidates, including Richard Campagna and Tamara Millay. Michael Badnarik as presidential candidate was entitled to speak for up to five minutes, urging support for particular candidates. He chose to remain silent, following the precedent followed by Harry Browne. Campagna, who promised the delegates that he had \$200,000 in commitments from unspecified donors, not to mention fluency in many languages and contacts high within the government, won, the votes being

Campagna 353
 Millay 220
 Hayes 36
 Jameson 7
 NOTA 10

The third election was for National Chair. The candidates were Michael Dixon, Ernest Hancock, and George Phillis (yes, your humble editor himself). Michael Badnarik, who did not endorse any of the four Vice Presidential candidates as his running mate, appeared as a seconder and urged delegates to vote for Michael Dixon. We are advised that this represented a change of plans for the Dixon camp, with Badnarik replacing another fine Libertarians as a seconder the last minute.

On the first round, the vote was

Dixon - 439
 Hancock - 40
 Phillis - 90

Dixon was elected as the new National Chair. Detailed votes may appear in a future issue.

The final election of the day was for Vice Chair, the candidates being Mark Selzer and Lee Wrights. Both candidates are best known for their outreach efforts. Selzer produces a libertarian television program now seen in much of California, and markets at cost the tapes for display elsewhere, while Wrights edits the ezine Liberty for All! (libertyforall.net). Wrights won on the first ballot by 338 to 160.

The next morning, elections proceeded again. Bob Sullentrup ran unopposed for Secretary and was elected over NOTA on a voice vote. Aaron Starr and Mark Nelson ran for Treasurer. Nelson's speakers announced that Nelson had the endorsement of fourteen of the eighteen members of the current Libertarian National Committee. The Convention and LNC Chair, Geoff Neale, was potentially in an embarrassing position, since the list of the fourteen was not presented, and the meeting chair is supposed to be neutral. Neale hastened to note that he was not one of the fourteen endorsers. Indeed, he noted, he had not been asked for his endorsement. Nelson won by a large margin.

The penultimate election was for At-Large Members of the LNC. There are five At-Large Members, and roughly a dozen nominees. (I was nominated. I explained that one election per convention should be enough for any person, and declined the nomination.) There is one ballot, with each delegate being allowed to vote for up to five people, and the leading candidates winning. The candidates and their votes were

Mark Rutherford 260
 Rick McGinnis 210
 Bill Redpath 200
 BetteRose Ryan 199

Sean Haugh 197
 Admiral Michael Colley 197

Trevor Southerland 179
 Chuck Williams 178
 Mark Selzer 100
 Aleq Boyle 91
 Mark Dierolf 90

There was a fifth-place tie between Sean Haugh and Vice Admiral (Retired) Michael Colley, at 197 votes each. A mutually agreeable random arrangement was used to break the tie; Colley was elected to the LNC.

At approximately this point in time Fred Collins was given permission to address the Convention. To his eternal credit, after making Badnarik's seconding speech Collins had volunteered to become Badnarik's campaign manager. Until this time, Badnarik had not had a manager, had done almost no fundraising, and had a very modest volunteer organization. Collins is now working hard to improve the campaign situation.

Collins stated to the delegates that there had been a number of questions raised after the nomination relating to Badnarik, and would put these matters at rest. According to my notes, he indicated: First, Michael Badnarik does not have a driver's license. However, he has not been driving recently. Second, there are some 'minor' issues relating to Badnarik's tax filings, and these will soon be corrected. The exact nature of the issues was unspecified, but the delegates were assured that they are minor and would soon be corrected.

In understanding the political situation, it is important to recall that the Convention was still in session, and that a motion to reconsider the nomination would have been in order. Indeed, the prior night I was lectured at length by one delegate about why such a thing should be done, namely according to him at some convention he had asked each candidate if he had any skeletons in his closet. He said that he had had negative responses.

Voting then proceeded for members of the Judicial Committee. MG de Lemos (FL) moved that the Convention accept the Strategic Plan developed by the LNC. Your editor spoke in opposition. The resolution failed. Counting was proceeding while the convention considered a resolution calling for the impeachment of George Bush. The convention then closed (time expired; orders of the day were called) before the Resolution could be voted upon. Aaron Biterman has since been kind enough to re-

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port that the new Judicial Committee members are David Nolan, Fred Collins, Phil Miller, Richard Kerr, Rich Maroney, Rock Howard, and Nick Sarwark, Sarwark winning on a random lot.

The votes were

David Nolan 194
 Fred Collins 153
 Phil Miller 118
 Richard Kerr 116
 Rich Maroney 99
 Rock Howard 97

Greg Clark 88
 Nick Sarwark 88

David Owens 83
 Jonathan Wright 75
 Frank Longo 66
 Jay Vandersloot 64
 William Gelineau 54

Following a brief recess the newly-elected LNC met for the first time. A significant effort involved confirming that each of the regions actually had enough members; some regions were within a few votes of the Bylaws-mandated minimum membership. Two states are apparently not in any region; a check will be made if this issue is clerical. The Regions were then assigned numbers. Regional representatives are elected in caucuses. The winners were according to my notes Ed Hoch, Dan Carlan, Michael Gilson, Aaron Starr, Jim Lark, George Squyres, M Carling, Dena Bruedigam, and Jeremy Keil.

The LNC then met. Minutes were approved, Lee Wrights voting against. The convention in the end had 811 credentialed delegates, and apparently ended at least \$20,000 to the black, after reimbursing the LNC \$20,000 for staff time. The seven full-time staff and three interns were introduced. The staff is stretched this; for a positive party outcome, it must focus on party issues.

The chair noted that the LNC had received a letter on gay marriage. The Chair asserted that this was valuable work for Libertarians to do, but not valuable work for the LNC to do: Our mission is not to craft resolutions.

Issues relating to Badnarik resurfaced at the LNC Meeting following the convention. Fred Collins presented a report to the LNC. I did not record his statements, but tried for verbatim notes on key points:

'We are putting an organization together. I wasn't a member of this organization until I walked off the stage.' The organization is assembling a schedule, and now has state coordinators in every state. At the convention banquet the evening after the nomination, the campaign raised \$20,000 without particularly trying. 'We are going to professionalize this to the extent of our abilities. We will use the LNC staff as much as we can.' The campaign will attract as much media as it can. The campaign will raise money to attract media. It is working on putting commercials on the air. 'Other media than TV are a waste of time.'

Collins addressed issues relating to Badnarik. It was reported that Badnarik does not have a driver's license. There was a discussion of executive session between Collins and newly-elected LNC Chair Dixon. Collins said, as exactly as I can repeat it (and my notes were full sentence, not a few words, but I might have erred): "You will know the truth in two weeks. I will fix this or I will walk away from the campaign." and "If Michael Badnarik refuses to follow my directions about this problem and you know what it is, I will walk away."

LNC Chair Michael Dixon opposed executive session to discuss this issue, which was not identified. Many of my contacts believe that the issue is whether Badnarik has filed with the IRS recently, but I can't find an actual source for this assertion. References were made that executive session would engender distrust. Bill Redpath asked whether if LNC Ballot Access funds are inadequate, would the Badnarik campaign make ballot access a priority? Collins answered with an emphatic No! 'I cannot divert these resources.' Redpath reported on the challenging stater, and the amount of money needed, which was estimated by Redpath as \$45,000 a month for the next three months.

Readers will recall that the Badnarik campaign had been raising a modest number of thousands of dollars a month, which is a tiny fraction of what is needed. However, the delegates were full-well aware when they nominated him that Badnarik was raising next to no money, so no reasonable person can blame Collins for refusing to spend money that the campaign had not, before the convention, tried to raise.

The Executive Director was called upon to construct a web

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for Libertarians

excell.net/excellnet_national-dialups.htm

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site for the benefit of the platform committee. Subcommittee chair positions were filled. According to my notes these were Audit (Carling), Employment Policy (Rutherford), Convention (Cenci), Advertising Publication Review Committee (Wrights), and the Program Committee (Gilson). Committees will take on additional LNC Members and perhaps outsiders. The Executive Committee was filled. The eight candidates for the four ExComm positions agreed that except as specified in the bylaws on budget construction the ExComm should not (under some clever phrases) do anything to the maximum extent possible.

A motion to purchase a Supplemental Module for Raiser's Edge, permitting outsiders such as State Committees to enhance the data base data, was defeated. Selzer asked for money for making educational video tapes. A Michigan member called for a vetting process for candidates to avoid problems. Bonnie Scott reminded the Committee that without the Raiser's Edge web module states could not access or correct the member data. Richard Winger reported on ballot access issues. The meeting adjourned.

The Constitutional Writings of Michael Badnarik

I note selected positions from Badnarik's book *It's Good To Be King!* about which candidates may plausibly asked, perhaps under conditions in which there is no opportunity to answer. This list is by no means complete.

Page 12: Any time there is a dispute about rights, the argument can be settled by determining who owns the property in question.

Page 14: If you pay cash for your car (and obtain the Manufacturer's Certificate of Origin): It is perfectly legal not to register (your) car with the state and it is perfectly legal to drive it without using license plates.

Page 18: Communities do not exist, in the sense they cannot have rights.

Page 21: Common law marriages are valid in all 50 states...because common law is the highest law jurisdiction in America.

Page 23: Is it possible that you are not legally required to have a 'driver's license' unless you drive a bus, cab, or truck?

Pages 33 and 34 discuss differences between democracies and republics. "The significant difference, as I see it, [GP: between a democracy and a republic] is that "property" and "rights" are not subject to a vote in a Republic."

Page 35: In socialism, ownership of the means of production is vested in the community as a whole.

Page 38: The Federal Reserve Bank is a private company and not part of the American Government any more than Federal Express is part of the Post Office.

Page 52: Declaring war means declaring total war, the objective being to totally annihilate the other country.

Page 55: 'Bill of Attainder' refers to punishments involving tainture of the blood.

Page 58: There are 535 Presidential Electors.

Page 60: The pre-Jefferson/Burr election rule on Electoral College voting meant that an opponent to the President is al-

ways picked as Vice President. The President is only given control of our military after a war is declared.

Page 61: The Constitutional Statement on suspending habeas corpus means that the power is prohibited to Congress.

Page 67: It is proposed that there are distinct courts of common law and statute law jurisdiction.

Page 68 and later: There are Article I and Article III of the Constitution Courts inferior to the Supreme Court, and they are not the same.

Page 72 et seq. give a long discussion of state and United States Citizenship, Americans having dual citizenship in their state and in the United States, closing with the assertion on page 74 that "In other words, US citizens have no rights."

Page 99: 'I interpret that to mean that anyone with an 'Esquire' after their name, such as lawyers and attorneys, are forbidden from holding public office.'

Page 103: A volume, claiming that some states never endorsed the 16th amendment, is received favorably.

Page 104: 'I do not know if Americans are liable to pay income taxes' Page 105: 'It is very probable that the IRS has been taking our money...without the Constitutional authority to do so.'

(Continued from page 1) [Badnarik Campaign Release]

lanta running the Badnarik for President Campaign!

But that's part or what's great about this. Supporters from all of the candidates for nomination have rallied around Michael. Including the candidates themselves! We have spoken with, or had meetings with both Mr. Russo, and Mr. Nolan. Both are very supportive of Michael, and willing to help. ...So no "party factioning" to dilute our message this time!

What do we need right now?

Money: (of course) Michael did not plan on receiving the nomination, so there is no "war chest" waiting for us. If we are going to implement our plan, we need to raise over \$100,000 per week. We have set a goal that 80% of all funds raised will go to TV. We plan to hold administration costs to a minimum, but people gotta eat, and we can't exactly put our candidate out there in the 6 year old Kia anymore! You can donate through paypal on the website now, or wait a couple days for us to get the direct visa account secure and up.

Best plan: send your check to: P.O. Box 841

Buda TX 78610 The individual contribution limit is \$2000.00 per person.

Volunteers: Please e-mail to volunteer@Badnarik.org. Include your name, address, phone, e-mail, how much time you can give us and your "skill set." Then be patient while we decide what our volunteers will be doing and when.

Weekly on-line announcement/newsletter editor: Articulate, computer savvy, and willing to work long hours for no pay. Fax your resume to 248-399-0912. I know that seems weird but the on-line traffic has been so heavy, e-mails are in danger of getting lost or misdirected.

Media leads: Until we get the link on the website, get those me-

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dia contacts to: media@Badnarik.org. Be as thorough as you can: Station name, host name, phone number, location, producer name. Pre-screen for willingness to interview him if you can.

Finance Committee: If you are one of those who have lots of money, and know people with lots of money, I need you on my finance committee. Reply to the organizer of your yahoo list, and he will get it to me.

Events: If you want to have Michael in for events in your state, here are what we are looking for: At least 4 events within the area during a 2 or 3 day period, including media interviews, large LP groups wherein we can raise money, public events with a large crowd where his appearance on the stage (not wandering around in the crowd or sitting at a booth) is guaranteed by the organizers. Preference must be given to requests where the locals will pay his expenses to come in and provide a good opportunity to raise funds.

I am sorry if this sounds harsh, but I am sure you can understand that we could easily spend every dime we raise flying him around the country to talk to groups of 25 Libertarians, and then not have a dime left to spend on TV. If you have event(s) that meets this criteria, or something that doesn't but you think would have value anyway, please write up exactly what you want to do and send it to events@Badnarik.org.

Patience and Understanding. We are working to get this up and running just as hard and fast as we can. Please cut us some slack while we try to figure out what we are doing, and how.

There is more, of course, but that will come in a later post.

What I don't need: Flamers who criticize our efforts. I know for a fact that there are Republicrats out there that join our lists, and use lies and misrepresentation to distract and demoralize our troops. They pose as loyal Libertarians, then do everything they can to destroy what we are building. You have seen them, I'm sure. I am asking you all: Tell those who are attempting to knock us down, to go bother somebody else!

We are united,
we are determined,
we are Libertarians,
this is our year,
and we are coming on strong!
so—
Lead, follow, or
GET OUT OF THE WAY!

More to come soon.

Thanks for your help, support, and enthusiasm.

Barbara Goushaw-Collins
Associate Manager
Badnarik for President

(Continued from page 1) [California]
ing on him.

It now seems that the LPC Judicial Committee, which initially appeared to be trying to act on this in a timely manner, has by so far failing to produce a final report given Starr and perhaps others the excuse they feel they need for inaction, effectively giving Starr what he wanted in spite of their "decision" that he was wrong.

Oh well. While it doesn't seem it will make any practical difference at this point, for the record I would at least like people to understand how wrong this was, and to that end I have appended here my "brief" to the Judicial Committee.

From: Joe Dehn <jwd3@dehnbases.org>
To: Ray Strong <hrstrong@hotmail.com>
CC: Rodney Austin <austinrk@pacbell.net>,
Mark Dierolf <markdierolf@winningteam.com>,
Bill White <bill@erikwhite.com>,
Mark Werlwas <mark.werlwas@attbi.com>
Subject: Re: LPC Judicial Committee Hearing
Date: Sat, 10 Apr 2004 23:59:43 -0700

Thank you for the notice of this hearing. In this message I will present some comments on the issue that I believe you should take into account. If you have any questions about any aspect of this that you would like answered before the hearing, please don't hesitate to let me know.

First, it seems to me that the question that the Judicial Committee actually needs to decide is: Who is currently California's LNC representative? The reason that this question falls to the LPC Judicial Committee is that there does not appear to be any other body in a position to act on it in a timely fashion. While the office in question is one at the national level, the people at the national level who need to know who holds the office are relying on the LPC to provide the information. Normally they would be able to rely on the representations of our state chair, but in this case it is obvious that something is inconsistent in the messages coming out of California so they are looking for some body in California to provide a resolution. Clearly the question cannot be appealed to the state chair since he is the one whose decision is being questioned. If the question had come up during the convention, the convention could have decided it, but it didn't. And so it falls to you.

There are at least three distinct considerations that apply to this question. First, what do the relevant governing documents say is required and/or permitted? Obviously if they do not allow what Aaron Starr says happened, then he is wrong. But some people claim that the governing documents are unclear or ambiguous, which is not an uncommon situation, and in that case there are two additional considerations that become vital. What other information is there that might determine the proper interpretation of the documents in the general case (e.g., if the question had been asked before this vote was taken)? And, finally, what was in fact the understanding of what was happening when this particular vote was taken?

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(1) What do the governing documents say?

The term of National Committee members is specifically set out in the national bylaws -- a term begins at the close of a national convention. It has been noted that there is no such explicit statement of this in the LPC bylaws, but there is no reason that there should be -- this is an office of the national party, not the LPC.

I understand that some have argued that the term begins immediately because of a statement in Roberts. But that statement only provides a default, if the organization has not provided another rule. Here there clearly is a rule -- the term goes from national convention to national convention. The statement in Roberts simply does not apply.

But even though the LPC bylaws don't have an explicit statement about the start of the term, they are not entirely silent on the question. The LPC bylaws state that the "results shall be reported to the national convention at the time prescribed". I understand that some have tried to explain this as meaning only that there will literally be a "report" -- that it means that somebody will announce to the convention or tell the national Secretary about people who are already in office and have already been serving for months. Sorry, but such an interpretation makes no sense in light of the history of how the practices in this area developed, and to offer such an interpretation in the light of such history strains credibility to the point of being an insult to all involved.

But even giving the people who make such an argument the benefit of the doubt -- assuming they know nothing of LPC history, and nothing about the practices of the LNC -- at most this means that they should see this as a minor bureaucratic requirement for them to fulfill. By their own logic it says nothing about when the newly elected person takes office.

If they are wrong about the meaning of this phrase (which I believe to be the case), then the LPC bylaws support the statement in the national bylaws. If they are right, then this phrase is irrelevant to the current question and the national bylaws control. There is nothing in the text of the LPC bylaws that supports the opposite conclusion, so either way the governing documents taken as a whole give a clear answer -- the term of office begins at the national convention.

(2) What other sources of information are there about when California's LNC representatives actually take office?

Even if the text of the governing documents is ambiguous, this does **not** mean that there is not a rule. Written documents are not everything, nor are the bylaws the only written documents that contain relevant information.

As far as I know, it has always been the case that California's representatives take office at the same time as the representatives from other regions -- at the end of the national convention. This has certainly been the case as long as I have been attending LPC conventions (since 1992). In particular, when I was first elected, I did not take office immediately -- the previous representatives continued to serve until the next national convention.

Precedent can establish a rule as well as legislation. Some things are not written down because people consider them obvious. At some point people may decide they want to do something differently and then feel the need for additional written specification, but this does not mean that there wasn't a rule before -- it just wasn't written down.

On this question, past practice or "tradition" has demonstrated the existence of a rule. It is not the case that each convention or each state chair made an arbitrary decision -- they were all clearly following a rule. Such a rule can be changed by legislation, but unless and until that happens it has greater standing than the current chair's whim or a default rule that has never been considered to apply (because people considered there to be a rule).

In addition to providing evidence of a rule, past practice also sets up a situation where, even if the two interpretations were otherwise equally plausible at the start, one would clearly be preferred on the basis of "common sense". Successive terms are not independent of each other -- one has to end when the next one starts. If some elections for LNC representative (at the state convention) were deemed to take effect immediately and others not until the national convention, we would have some people serving two year terms, some people serving 1.x year terms, some people serving 2.y year terms -- and even times when nobody holds the position (if one state convention decides to elect a representative to serve until the next state convention and then the next state convention decided to elect somebody to start serving at the following national convention). Of course there may be other reasons why terms need to vary in length, such as a change in the schedule for national conventions, but in the absence of something like that the idea that the lack of a written statement makes either interpretation equally likely is silly.

Furthermore, in the current case we have more than oral tradition to guide us. We have an actual written statement of the LPC's understanding of the current term, in the form of an agreement with the other two states in the current region. This agreement specifically states that the current term ends in July 2004. As it happens, that statement is not consistent with the date of the upcoming national convention, but that is only because the national party decided to pick a different month for the convention this year. Obviously the understanding of the people who made that agreement two years ago was that the term would go through the next national convention, which at the time they expected would be at the end of June or in early July. If they wanted the term to be only through the next state convention they would have written February 2004 (which also would not have matched the actual date this year, because the month of the state convention also changed, but in that case the intention would still have been clear). They did not write February, and they did not write March. They wrote July.

(3) What was the intention of this specific state convention?

The effect of a vote can only be interpreted with an understanding of the intentions of the people voting.

For the chair of a convention to rule after the convention that a vote means something different from what the delegates thought

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creates a kind of situation that must be avoided if at all possible. Such an action calls into question the legitimacy of the whole organizational structure.

In the LPC's organizational structure the convention is the supreme authority -- if the chair (or anyone) can reinterpret a convention's decisions to mean something other than what the delegates understood then the convention's authority has been usurped. Of course there are cases where somebody needs to make an "interpretation" because there isn't any other evidence of the convention's intent. Such cases are unfortunate, but they don't directly challenge the authority of the convention; they are a sort of "necessary evil". But for a chair to implement something different when there is evidence of what was the understanding at the time of the vote -- that is something very different. And that is what appears to be the case here.

How can we know the convention's intentions in this case? Of course it is impossible to know the state of mind of every delegate. Perhaps there were some delegates who were confused about this question, or even didn't consider it. But based even just on past practice it can be presumed that most delegates understood that they were voting for people to take office together with all the rest of the new LNC.

Note that this is a different point than the one above about past practice establishing a rule. Even if the argument above does not convince you that there really was a rule with a controlling effect, at the very least the precedent created an expectation in the delegates' minds. Even if the convention could have equally well gone either way, the existence of such an expectation called for discussion or at least a clear statement if any other interpretation was to be applied in this case. My understanding is that there was no such statement -- there were simply nominations and a vote. In that case, the presumption is very strong that the delegates intended the usual effect.

But we have more than just presumption in this case, for some delegates at least. In particular, we have statements by actual delegates after the vote that show what they believed at the time. To be very specific, we have the statements of Scott Lieberman, who is the current LNC alternate, who was a nominee during the election in question (for alternate), and who has been intimately involved in questions relating to regional structure.

The first word the LNC got on what the convention had decided came from Lieberman, in a message on 15 March, the day after the state convention. In this message he referred to the election being for the "2004-2006 term". The next day, 16 March, during a discussion of handling of the e-mail list, Lieberman responded in a way that showed he still believed that Carling was not yet the representative. And in a private message to LNC member Mark Nelson (later cited in a message sent to the LNC discussion list), Lieberman explicitly stated that the term of the newly elected people was to begin in June 2004.

I understand that some have questioned what was reported to the LNC, whether there really was a contradiction, or even possibly whether anybody took any action that needs to be addressed by you. There is only one way for you to really understand what

happened here and that is for you to read for yourself how this was presented to the LNC. To make that possible, I have created an archive of the relevant messages. It currently contains all messages to the LNC-Discuss mailing list relating to this subject from the time of the state convention through 29 March (at which point the discussion had spread to many other places). Please read it for yourself and see what Starr, Carling, and Lieberman have done, how it looks to the rest of the country, and why it is so important that you act to resolve this question:

<http://www.dehnbase.org/msgs.cgi?c=LNC-CARLING>

If Aaron Starr really believed (however wrong that may be, in light of the arguments presented above) that our bylaws require our LNC representatives to start serving immediately upon election, it was his obligation to tell the delegates that was what they were voting on. If there was a dispute, the convention could have resolved the question. He didn't do that. I find it implausible that he was not aware of the precedents that would be guiding the expectations of the delegates, and if he believed that something else should or would be the result then not bringing the subject up at the time was completely irresponsible. If, on the other hand, he didn't himself believe in this alternative interpretation at the time, then in my view he is obliged to act consistently with the interpretation that he and the delegates shared at the time, no matter how preferable some other course might seem to him at a later time. The job of the chair is to preside over a convention, not substitute his opinions for those of the delegates.

The only case where there would be any justification for him "overruling" the understanding at the time would be if it turned out that what the delegates thought they were doing was prohibited by the bylaws. And as we have seen above, the bylaws not only don't prohibit the traditional interpretation, they point to it being the more reasonable one.

The burden of proof in this case is on Aaron Starr to show that that the delegates thought they were doing, which was the exactly the same thing that their predecessors had done repeatedly with the same bylaws wording in effect, is prohibited. It is not sufficient for him to prove that his interpretation is allowed. If both are allowed, then what the delegates thought they were doing controls, and his job is to implement it.

And so we have three distinct, though somewhat related, considerations which bear on the question of whether M. Carling has replaced me as our representative to the LNC. If these considerations pointed in different directions, you would have a tough job, because you would need to somehow weigh them against each other. But that is not the situation. Every one of these considerations points to the same conclusion -- that the new representative doesn't take office until the end of the national convention. Even to the extent that some of you may think some of these arguments unimportant or unworthy of consideration, the conclusion must be the same. None of them point in the other direction. At worst, they provide no information, in which case the other considerations should control. But in my opinion every one of them provides a strong basis for the Judicial Committee to rule that Aaron Starr's actions in this case were wrong, and I respectfully ask the Judicial Committee to so rule."

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The above message was from Joe Dehn, was addressed to party members, and is reprinted with permission.

LP-California Then Removed Dehn

In Mid May, The LP-California Executive Committee acted on the LP-California LNC representation issue. Bruce Cohen made the following motion, which was seconded by Executive Committee members Lawrence Samuels, Allen Hacker, Mark Selzer, and Mark Hinkle) and sent out for a mail ballot:

"RESOLVED, that the LPC thanks Joe Dehn for his years of prior service, and further

RESOLVED, that pursuant to Bylaws 9, Section 7, Joe Dehn is hereby removed from the office of Libertarian National Committee representative effective immediately."

The Motion passed. The votes were:

OFFICERS:

NVR - Aaron Starr, Chair
 Yes - Lawrence Samuels, Northern Vice Chair
 Yes - Mark Selzer, Southern Vice Chair
 Yes - Monica Kadera, Treasurer
 No - Daniel Wiener, Secretary

AT-LARGE REPRESENTATIVES:

Yes - Ted Brown
 Yes - Mark Hinkle
 Yes - M Carling
 NVR - Bruce Dovner
 Yes - Allen Hacker

REGIONAL REPRESENTATIVES:

Yes - Martina Slocomb, L.A. South Bay
 Yes - Steve Cicero, San Diego
 No - Allen Rice, Santa Clara
 Yes - Bruce Cohen, Orange County
 No - Frank Manske, East Bay

AT-LARGE ALTERNATES

NVR - David Nolan
 NVR - B.J. Wagener

REGIONAL ALTERNATES

No - Terry Floyd (East Bay alternate)
 NVR - Timothy Johnson (Orange County alternate)
 Yes - Mike Laursen (Santa Clara alternate)

Run Credible Candidates

In response to the remarks of Chuck Muth "...Too bad the Libertarians can't get their political act together and actually offer credible alternative candidates at the state legislative level (the operative word here, LP'ers, is "credible")..."

Ken Sturzenacker proposes what 'credible' means:

The operative word is indeed "credible", meaning, at the very least: 1) Both well-known and well-respected in one's local com-

munity.

2) 'Active' in one's own community - thru charities, neighborhood organizations, sports leagues, etc, etc. - sufficiently to have a base of support.

3) Being prepared: Having volunteers who help you get the sigs you need in your district within the first couple of weeks. NO credible LP candidate in PA, even at the statewide level, should ever have to 'go down to the wire' with signature collection. EVERY candidate for state rep/state senate should be finished with sigs no later than Memorial Day.

4) Being prepared: Knowing cold their list of the three top priorities for the campaign within a week after the required sigs are gathered, including having rehearsed how to respond to hostile questions at their initial news conference.

5) Being prepared: Having 2-3 individuals who are committed to the fundraising necessary to run a competitive campaign. They should be in place and contacting people as soon as the petition drive starts.

6) Being prepared: Knowing not only LP solutions, but also how to explain to non-LPers concisely and precisely how and why the current government "solutions" are not solutions at all.

The operative phrase, this year, is "state legislative level." In 2005, it will be municipal and county elections.

We are the party of entrepreneurs, folks: after 30 years, ballot access should not be a problem, IF we were properly prepared at the appropriate time - early enough to get that task completed quickly. In essence, that means starting January 1 of 2005 for the 2006 elections. Otherwise, why would an individual successful in his or her own region be willing to associate publicly with a group which routinely gives off the impression of not being able to get its act together - including biting off, in terms of campaigns, more than it can chew?

And, yes, in my opinion, we do have to be more prepared and, if you like, "superior" to most of the candidates the Ds and Rs put forward. They have vast advantages in organization, name recognition, personnel and financial resources, plus years and years of habit and inertia on their side - pulling one or the other party lever, putting volunteers outside most of the nearly 10,000 voting locations on election day.

In order to overcome all of that, we have to work much more efficiently at giving voters sufficient reason to abandon and ignore all of what they have done in the past - to give it up both mentally and emotionally—in order to support us. We have the far superior product, liberty; but we have done a dismal job of marketing it. Fundamentally, we are asking people who have supported the vast welfare state and believe that it works to admit that they have been mistaken about that, that they are wrong - as the necessary pre-condition before they can genuinely support the LP and its candidates, rather than just cast a protest vote.

Looking ahead....go back to your recycle bins, and get out newspapers from Thursday and Friday, when the press tried to analyze

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where the Specter-Toomey votes came from. In the strong Toomey areas, emphasize the economic side of our platform, school choice, the right to keep and bear arms. In the strong Specter areas, talk mostly civil liberties, including the failures of the drug war at home, and opposition to the military's wars in Iraq and Afghanistan.

KenS

How Idaho Grew

Well for my part, I spoke of decentralization, and that appealed to many. As Region 2 Chair (Idaho Regions), I took it upon myself to bear the brunt of the attacks and insulate most of the members and would-be members.

As a student of human behaviour I noted several of my principal opponent's mannerisms and took advantage of them. In particular, I noted he only attended meetings when he had something he wanted from people, and that he could not stand in-person confrontation. This led to a discovery early on that if certain people were known to be at the meeting, he would avoid them.

Man it sounds like some primitive canine behaviour, I know, but it worked. I established early enough on that he would not dominate meetings, openly extended my hand to him in public (which his ego demanded he refuse), and thus eventually the meetings had no interest for him.

We hold meetings monthly, but not for business purposes. We hold them to discuss libertarian ideals, philosophy, and activities. This group of people at least, were uncomfortable with that and unable to hold any tenable positions. So they avoided them.

Beyond that, I took it on myself to organize what I refer to as LibertyWalkabouts, seminars on speaking to non-libertarians, and writing letters to the editor.

Organization-wise, we simply outnumbered them. In the course of a month, we brought in enough people to establish a near two-thirds majority on the State Central Committee. My idea was to get an overwhelming force of voters that would not side with the cranks. It seems to have largely worked.

But all was not rosy. Several times I was a keystone away from leaving. Several times I had to talk the Chair and a couple others down from extreme positions that would inflame the situation. It was a policy of encircle, contain, and correct. I focused on the positives corrected any incorrect assertions, and reached out to people.

So far, it *appears* to be working. The three individuals no longer have any votes in our party due to running as Republicans. We don't have any issues with a Libertarian running as a Republican, as long as they are not officers, delegates, or otherwise have any direct influence on Party affairs. Most are "protesting" their loss in the Convention vote by not attending. Woohoo!

Sure, they are trying to practice scorched earth, but that too will be managed and turned around. They can claim the party is shrinking to the press, and the press asks the Chair who then cor-

rects them. They can claim the party is ineffective, then the press interviews the chair and learns we elected candidates, shot down Urban Renewal, and got people appointed, and developed an infrastructure to support candidates. So in that effort, too, they will fail.

The third weekend in July (IIRC) is the convention. I sincerely hope to be able to say "I love it when a plan comes together." at that point :) Cheers, Bill Anderson <region2chair@lpidaho.org> Region 2 Chair Libertarian Party of Idaho www.lpidaho.org

Ron Paul to Debate Ralph Nader

I am a long-time libertarian (I voted for John Hospers in 1972!) and a current member of Mass LP. I am also on the summer conference committee of the Northeast Organic Farming Association--NOFA (so what? please hear me out, it's an exciting libertarian event!).

Our biggest event of the year is our 3-day summer conference in August at Hampshire College in Amherst, MA. It's a fabulous event and brings a very eclectic crowd from NPR-Ralph Nader types to don't-tread-on-me farmer-type individualists to hard core libertarians.

We always have a debate Saturday night that is intellectually stimulating and great fun. But this summer, we are bringing in the big guns and inviting non-conference people to join us for what should be a great event.

On Saturday, August 14th, at 8:00PM (doors open at 7:00PM and to insure you get a seat I urge people to arrive early!), Congressman Ron Paul will be debating Ralph Nader on the topic of "Wise Governance." The debate is scheduled for a full 90 minutes and will include Q&A. Ralph agreed to participate before he announced his plans to run for president. It will be fairly open-ended, although the speakers will be asked to give their views on some of the subjects of interest to the NOFA audience (such as their view/policy towards genetic engineering, what should government policy towards farmers be, etc.).

Cost for the debate only is \$10. For the 1,000 or so people who will be attending the full conference, the debate is included in the conference charge, but we are opening the debate to non-conference attendees because of the great interest we expect it to draw. So, the bottom line is get to Hampshire College by 7PM if you want a seat! (we will also be doing a live telecast in an adjoining building to handle overflow crowd, but you definitely want to be in the Crown Center). Anyone interested should check out the NOFA web site at www.nofa.org. The web site describes the debate as follows:

"With two-time Green Party presidential candidate and longtime consumer advocate Ralph Nader committed to debate eloquent libertarian spokesperson Congressman Ron Paul (R-TX), the evening promises to put fundamental political questions on the table for NOFA members and non-members alike. The debate topic, Wise Governance, will force folks to address issues such as environmental regulation, the market system, and if or how the state should enforce sustainable practices (or perhaps if there should be a state at all)."

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WHAT: Consumer advocate Ralph Nader and Congressman Ron Paul debate "Wise Governance"

WHEN: 8:00PM (doors open at 7:00PM) Saturday, August 14, 2004.

WHERE: Robert Crown Center, Hampshire College, Amherst, Mass. Drive to center of Amherst, drive Route 116 South for approx. 3 miles, Hampshire College will be on your right.

COST: \$10 for debate only (included in the regular conference charge, which you can also get by day, for example, Saturday only)

Randall Shaw, 781-933-0484

10 B Bartlett Drive Woburn, MA 01801

Last Message

Greetings!

As I have stated, these messages were not intended really for this LNC, for I think they have dropped the ball too far down the elevator shaft to ever recover. If they are to recover, then there must be some immediate and dramatic systemic changes to the By-Laws.

1) The By-Laws are written in such a way that one or two states can dominate the Convention, the Platform Committee and the By-Laws Committee. This needs to change.

2) Under the present By-Laws, the Chair has the authority to do just about any damn thing he feels like, with little or no restraint. This has left the door open for people with an agenda to dominate the Party for too long, leaving a large number of members only one option: that is to leave.

The Executive Committee should be abolished immediately. All members elected to the LNC must have an equal vote. (No more of the "you can listen in, but can't vote" conference calls.) A majority of the LNC should be able to overrule any decision of the Chair or the National Director.

3) There has to be a system created that empowers all 50 states equally. My example was a Senate. This might consist of two representatives from each state, thus giving Rhode Island equal representation with California. This Senate should have the power, under proper procedures adopted by the Party, to overrule any decisions by the National Director, the Chair or the LNC.

I hope whoever the next National Chair is will make sure that some of these recommendations are in place by the end of the Convention. On a personal note, I can say that the last LNC meeting I went to, the Budget meeting in Washington DC, was an absolute disgrace. People yelling and screaming at each other, getting up and walking out; the Chair leaving the room on three occasions because he was so mad he couldn't see straight. Deryl Martin, Steve Givot, Mark Nelson, Lee Wrights - all at one time or another so mad and angry at each other there was steam coming out of their ears. (Incidentally, that was the last meeting Deryl Martin ever attended.) It was just plain terrible.

I had intended to be at the following meeting, but could not at-

tend due to illness. However, this was the meeting where the LNC finally accepted the Strategic Plan that the SPT had spent hundreds of hours, thousands of dollars to hammer out - a plan that covered everything - only to have the LNC start to take it apart at this meeting.

Speaking of the SPT - Steve Givot, for all of his faults, provided one of the greatest examples of leadership I have ever seen in this party. He took 15 to 20 of us, locked us in a room for six or eight weekends until we hammered out the final document. He is the only person I have ever seen bring that many Libertarians, touching on so many dangerous issues, and still pull us all together.

And now he is gone.

And so are Joe Dehn, Mark Tuniewicz, Bonnie Flickenger, Deryl Martin, Ilana Freedman, and so many others. We keep chasing the good people away - and we will continue to inherit the New York type characters.

I want to thank those of you who I feel really are friends of mine, and say that we did have a good run at it. Maybe the best thing for this party is to end at this Convention - and from its ashes maybe something good will rise. As for me, I will not be at the Convention. I wish you all luck. If you ever want to visit or work with an organization that is truly dedicated to Freedom, come to New Hampshire. I'll introduce you to some Free Staters.

...Don Gorman

Petitioning

When I started collecting signatures I knew it was going to be close. I am still limited in stamina and I can only walk so long before I become tired. But I figured if I did little every day I would get within the ball park.

I underestimated the numbers of people who would refuse to sign a petition. The common complaint heard from people is that they are given a choice of the same old candidates. But they then refuse to sign petitions to get others on the ballot. I was under the impression that some people felt there would be repercussions if they signed a petition.

Major party status is making things difficult. There were Democrats who would have sighed my petition. They are Democrats because they want to participate in the nomination process, they do not necessarily like the Democratic candidates. But they are not ready to switch for a sometimes party that runs candidates sporadically.

But we are in a better position to regroup in this district for the next time. I have spreadsheets of those who signed. I know which streets were more likely to provide signatures. 90% of the signatures on my petition were from Puerto Ricans. Some could not speak English. Some had limited English capability. They chose to sign the petition of someone named Underwood (English) even though the incumbent Asseline's wife is Puerto Rican. In preparation for the next time I may try to register voters as un-enrolled.

...Robert Underwood

PVLA Member

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(Continued from page 1) [On The Primary Ballot]

Krick, 79 Chittick Road #2, Boston, MA 02136-3409
 Leary and Dunn have no Republican opponent; Doherty and Krick have Republican opponents.

To volunteer to support these campaigns, you should contact the candidates directly, preferably soon. To give money to any of these candidates, you have several choices, notably

1) You can give directly to the candidates at the above mentioned addresses.

2) You can contact the Libertarian Party of Massachusetts; PMB#276, 203 Washington Street; Salem, MA 01970.

3) You could give to the State's libertarian "Liberty Tree Small Government Low Taxes" PAC c/o George Phillies, 87-6 Park Avenue, Worcester MA 01605, which supports candidates.

4) If you belong to an organization with its own PAC, you could lobby with your organization to support our candidates.

In each case, your donations are not tax deductible. State Campaign finance law requires that you be asked to provide your occupation and the name of your employer.

Fundraising, early 2004, the four major MA Parties
 STATE FUNDS

	D	R	G	L
Jan	10470	5105	333	68
Feb	26900	33005	484	68
Mar	52536	98455	120	55
April	87454	93460	2582	55
May	108380	44643	1513	(55)-IMPUTED
FEDERAL, FIRST QUARTER				
	136873	668437	-0?-	4071

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Pioneer Valley Libertarian Association

Meets the Second Wednesday of the Month
 7PM, Bickford's Family Restaurant, Springfield
 Corner of Old Boston Highway and Pasco Roads
 (Mass Pike, Exit 7, south on 21 to Old Boston Highway, and three blocks to the Right)

Our Web Pages

<http://www.pvla.net> <http://www.cmlc.org>
<http://wcla.tripod.com>

Brought to you by www.excell.net.
 Libertarian owned—Libertarian operated
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Associated Organizations

Log Cabin Libertarians— <http://www.logcabinlibertarians.org>
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 Anti-War <http://www.bringthemhomealive.org>
 Anti-Draft: <http://www.freedomnotconscription.org>
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