

California Freedom

October 2006

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

Prop 90: Protecting Homes and Liberties

Adam B. Summers

Policy Analyst, Reason Foundation

"If we wish to preserve a free society, it is essential that we recognize that the desirability of a particular object is not sufficient justification for the use of coercion."

— F. A. Hayek

The Constitution of Liberty

A man's home is his castle, and state and local governments are storming the gates. To any defender of liberty, one of the most offensive practices to come into vogue is that of possessing one man's home or business against his will in order to give it to another more favored person or business. Proposition 90, "The Protect Our Homes Act," seeks to prevent such injustices.



Government planners and other busybodies bemoan the threat of not being able to dictate what everyone else should be able to do with their own property. Property owners and liberty-lovers, however, should rejoice at such a curb on these iniquitous violations of personal freedom.

Prop 90 explicitly prohibits state and local governments from using eminent domain to take private property from someone and give it to another private party. This despicable practice has been used increasingly in recent years to provide greater tax revenue to local governments. For example, they invoke eminent domain to evict homeowners to make

land available to a developer of luxury condominiums, or boot out small businesses in favor of large retailers.

California is one of the most active states in condemning properties for the benefit of other private parties

According to a June report by the Castle Coalition, an organization that fights eminent domain abuses across the country, California is one of the most active states in

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Bonds Have a Hidden Cost

By Jon Coupal

President, Howard Jarvis Taxpayers Association

There was a popular song a few years ago called, "Money for Nothing." While the tune was a satire on the vast amounts paid to successful rock stars, the title could just as easily apply to many voters' attitudes toward bonds.

As we approach the November election with over \$41 billion in bonds on the statewide ballot, and additional billions being considered for local jurisdictions, now is a good time to brush up on the significance of bonds, their true costs, and how they are repaid.

The California Constitution gives the electorate the right to vote on state and local general obligation bonds.

"It's like a family that has a credit card and never gets a statement. People don't understand how much these bonds will cost the state in the long-run."

— George Passantino
Reason Institute

However, the rules for passage are different for each category.

State bonds, commonly used for infrastructure improvements like highways and to provide additional funding for school construction, require a simple majority vote of the statewide electorate for approval. These bonds do not trigger a tax increase, but are repaid from the state's general fund into which virtually everyone pays through sales and income taxes.

Although there is at least the appearance of fairness to a system that allows a majority vote to approve bonds that are

repaid by everyone, these bonds are hardly a perfect means to finance long-term, capital improvements.

First, these bonds are more expensive than many voters imagine. Most are aware that bonds mean debt that must be repaid, but just like when we see that must-have item that we charge to a credit card, it is easy to overlook the impact of compounding interest. Since most government bonds are issued with a 30-year payback, a good estimate of the actual cost to taxpayers is to double

Election Issue

For more about candidates and ballot propositions, see pages 4-5 and 8



■ White Paper Review

Libertarian Vote Determines Outcome of Most Elections

Bruce Cohen

Editor, *California Freedom*

Review of "The Libertarian Vote", Policy Analysis article Number 580, by David Boaz and David Kirby, published October 18, 2006, by the Cato Institute

This 28-page article is a must read for Libertarians. Throughout the pages of this important work is support for what we've all known these many years. America is very Libertarian, and we have quite a bit of clout when it comes to determining electoral outcomes.

Boaz and Kirby discuss why we've failed to capitalize on our real strengths, and suggest how we can make more changes using our voice.

"Not all Americans can be classified as liberal or conservative. In particular, polls find that some 10 to 20 percent of voting-age Americans are libertarian, tending to agree with conservatives on economic issues and with liberals on personal freedom.

"The Gallup Governance Survey consistently finds about 20 percent of respondents giving



libertarian answers to a two-question screen."

Due to their non-profit status, the authors can't

grant us permission to reprint articles *gratis*. This particular article is too long to reprint here, anyway, but is very worthwhile reading. It can be found at www.Cato.org, as *Policy Analysis* article No. 580, dated October 18, 2006.

The authors make the case for Libertarians being at least 13% of the population, with other pollsters putting us at somewhere between 20 and 40 percent by philosophy, not by registration.

They are absolutely convinced that the Libertarian vote determines the outcome of most elections, and further go on to state how more and more mainstream politicians are running to capture our votes and support. ●

Editors Note: Cato Institute is not affiliated in any way with the LPC, and does not contribute editorially to the content of *California Freedom Magazine*.

the face amount of the bond. Additionally, when the state takes on a lot of debt, bond buyers demand higher interest rates to compensate themselves for the perceived additional risk. This makes the bonds even more expensive.

Second, since bond repayment has first call on the general fund, less money is left behind to pay for transportation, education, healthcare and other programs Californians consider important. In other words, the amount of debt we must pay from the

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PUBLISHER

Libertarian Party of California
14547 Titus Street, Suite 214
Panorama City, CA 91402-4935
Web site: www.CA.LP.org
Telephone: (818) 782-8400
Facsimile: (818) 782-8488

EXECUTIVE EDITOR

Bruce Cohen
E-Mail: BCohen@CA.LP.org

STATE CHAIRMAN

Aaron Starr, CPA
Telephone: (805) 583-3308
E-Mail: StarrCPA@PacBell.net

EXECUTIVE DIRECTOR

Dave Ruprecht
E-Mail: Director@CA.LP.org

ASSOCIATE EDITORS

Paul Blumstein
Brian Holtz

GRAPHIC DESIGN AND LAYOUT

Muffet Laurie Brown
E-Mail: Muffet@Earthlink.net

WEB SITE

Kevin Takenaga
E-Mail: WebTeam@CA.LP.org

ADVERTISING SALES

E-Mail: Advertising@CaliforniaFreedom.org
Telephone: (818) 782-8400

CONTRIBUTORS

Paul Blumstein Art Olivier
Jon Coupal Aaron Starr
Matt Lewis Adam B. Summers
Kris Hermes
Brian Holtz

SEND ADDRESS CHANGES TO:

Libertarian Party of California
14547 Titus St., Suite 214
Panorama City, CA 91402
(877) 884-1776

SEND NEWS, LETTERS, ESSAYS, PHOTOGRAPHS OR ADVERTISING TO:

Bruce Cohen
Executive Editor, *California Freedom*
14547 Titus Street, Suite 214
Panorama City, CA 91402-4935
Telephone: (818) 782-8400
Facsimile: (818) 782-8488
E-Mail: CaliforniaFreedom@CA.LP.org

SUBMISSION DEADLINES

All news stories, editorials, and announcements are due six weeks prior to the month of publication:
• Dec 2006: Due 10/20/06
• Jan 2007: Due 11/20/06
• Feb 2007: Due 12/20/06

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. All contributions subject to our editorial guidelines.

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FROM THE CHAIRMAN

It's election time again and the world is watching how we vote!

Why do Libertarians vote? Does it really make a difference?

Yes, it absolutely does.

This is our opportunity to express the direction we want our country to take. I vote for the same reason I applaud at an event. Do my hands clapping together really increase the volume? Not always. But together with the large numbers of California Libertarians, it really can!

Not only does voting let me express my appreciation, but my disapproval, too.

Voting for Republican and Democratic candidates makes a public statement approving



Why We Vote

their policies. When you vote for Libertarian Candidates, elected officials realize that to gain your vote they will need to move in the direction of freedom.

Remember, *the fight for freedom is not a sprint*, it's a marathon.

You'll find many of our candidates on our State Party website at www.ca.lp.org.

Remember, the fight for freedom is not a sprint, it's a marathon

And then there are the propositions. Of all the propositions on this November's ballot, only two are worthy of your support.

Proposition 1A requires the state sales taxes you pay on

gasoline be used for transportation. We thought that this would be accomplished by Proposition 42 a few years back, but the politicians figured that they could borrow the money and spend it on other things. Today, nearly \$2 billion of this can be spent each year by the politician on any pet causes they want. Proposition 1A reduces their ability to borrow this money. Equally good is the requirement the existing debt from this be repaid to the Transportation Investment Fund.

Proposition 90 makes it harder for politicians and their politically connected developers to steal your home through eminent domain. This measure restores the rights you had before they were gutted by the Supreme Court's outrageous *Kelo* decision. It requires emi-

Holding a Libertarian Event?

Contact us with
your information!

Editor@CA.LP.Org



nent domain can only be used for public purposes, such as for roads. In addition, new protections will be given to a landowner whose property value is taken through regulations. This measure was written and financially supported by a long-time Libertarian.

If the only reason you vote is to support these two measures, it will be well worth it. Our positions on the propositions are likewise at www.ca.lp.org.

Toward liberty!

— Aaron Starr
Chairman

Bonds

continued from page 1

general fund means less money to finance other government programs or for infrastructure on a “pay-as-you-go” basis where taxpayers get, by far, more bang for their buck.

The second category of bonds on which we vote is local general obligation bonds used for local infrastructure projects, libraries and schools. Although everyone can vote on these bonds, property owners are singled out as solely responsible for the repayment of principal and interest. Both commercial and residential property owners see a tax increase when these bonds are approved, but the hardest hit are the single-family homeowners who, unlike businesses that can pass additional costs on to customers,

must pay the entire amount.

Wisely, the drafters of the California Constitution of 1879 recognized the inherent unfairness of letting everyone vote on a tax that would be placed on a minority of the community. To level the playing field, they required a two-thirds vote for passage of these local general obligation bonds under the belief that if passed with a higher vote threshold, it would be a reflection of a strong community consensus, including the support of those who would be paying the principle and interest bills.

This system served the state well for over a century. Then, in 2000, Netflix CEO, Reed Hastings—author of the Proposition 88 property tax increase on the November ballot—and his merry band of billionaires bankrolled the misleading campaign that passed Proposition 39, which

lowered the vote for local school bonds to 55 percent. The measure has virtually guaranteed that all school bonds pass, regardless of merit, and has saddled property owners with tens of billions of dollars in bond debt.

There is a simpler way to classify bonds: Those that are a necessary evil and those that are an unnecessary evil

So, for the upcoming election, a large percentage of Californians will confront bond proposals that require a majority vote, a 55-percent vote, and a two-thirds vote.

Although this may seem complex there is a simpler way to classify bonds. Those that are a necessary evil and those that are an unnecessary evil.

The “necessary evil” bonds are those that build something like a bridge or a sewage treatment plant that would be very difficult to fund immediately out of existing revenue. Although

paying for the infrastructure improvement means going into debt, the debt may be justified in that it allows government to continue to provide vital services that would be curtailed if an immediate cash outlay were required.

“Unnecessary evil” bonds are those like some we have seen in recent years marketed as measures to help the environment. However, closer examination has shown that some of the backers of these bonds benefit, because when the bonds are passed, the state becomes obligated to buy property they own at inflated prices.

Unfortunately, some bonds contain both flimflam and worthwhile projects, which make it even more difficult for voters to weigh their merits.

Ultimately, Californians would be wise to approach all bonds with extreme caution. The debt bonds create is an irreversible obligation that continues for decades. Don't buy into voting “yes” unless the need for a bond is proven beyond a reasonable doubt. ●

JON COUPAL is president of the Howard Jarvis Taxpayers Association — California's largest taxpayer organization—which is dedicated to the protection of Proposition 13 and promoting taxpayers' rights.

Originally published by HJTA as California Commentary, “Caution: Bonds Have A Hidden Cost”, Week of October 16, 2006. <http://www.hjta.org/content/pdf/commentary/HJTACalCommentaryV4-42.pdf>

Meeting Notice

**All LPC members
are welcome
to attend.**

The next quarterly meeting of the
LPC Executive Committee

will be held from 10 AM–5 PM

on **Saturday, November 18th**, at the

“San Francisco Days Inn Oakland Airport/Coliseum” hotel,
8350 Edes Avenue, Oakland, CA 94621, (510) 568-1800

(see <http://snipurl.com/z1bs>)

The hotel will provide a complementary shuttle
to and from the Oakland airport.

A preliminary agenda will be posted
a few days before the meeting
at the LPC web site:

http://ca.lp.org/cat_minutes.shtml



Gov, Atty General, Sign Agreement Mandating CHP Respect For Medical Marijuana Rights

by **Kris Hermes**

Legal Campaign Director,
Americans for Safe Access

California's medical marijuana patients are now protected from arrest and seizure of their marijuana, thanks to a binding agreement between an advocacy group and state officials.

The signed agreement settles a lawsuit filed last February against the California Highway Patrol by Americans for Safe Access (ASA) on behalf of qualified medical cannabis

patients who had lost their medicine in CHP traffic stops. CHP had a policy of seizing any cannabis found, regardless of whether the officer was shown patient documentation or not.

On August 22, 2005, as a result of the lawsuit, CHP adopted a new policy that respects the rights of qualified patients to possess and transport medical cannabis. The new settlement agreement—signed by CHP officials and counsel for Attorney General Bill Lockyer and Governor Schwarzenegger—makes binding the policy adopted last year.

Qualified patients, whether they have a state ID card or not, are allowed to have either the quantities specified by SB420 or the local county guideline amounts, whichever is greater.

"We're urging local officials around the state to adopt similar law enforcement policies," said Kris Hermes, ASA legal campaign director.

"Medical cannabis patients have rights under the law that must be respected, and this consent decree acknowledges that."

As part of the settlement, ASA received reimbursement of \$75,000 in legal fees for prosecuting the case. ASA has received the money in October.

"California's private attorney

general statute encourages concerned citizens to fix flawed policy through litigation and allows for the award of attorney fees where appropriate," said Joe Elford, ASA Chief Counsel. "This case corrects an egregious policy that completely ignored the right of sick and dying Californians to possess marijuana for medical use." ●

District Attorney Norm Vroman Passes—Libertarians Will Vote For Him Anyway

by **Brian Holtz**

Associate Editor

Norman L. Vroman, the outspoken Libertarian district attorney of Mendocino County who fought to decriminalize marijuana, died Thursday, September 21, 2006. He was 69 years old. Vroman was in a close race with Fort Bragg attorney Meredith Lintott who was the high vote getter in the June primary. Lintott is a former deputy district attorney and worked for Vroman at Ten Mile Court until last year.

Mr. Vroman's campaign said "Norm hired, trained and placed the best staff, Investigators and attorneys to work for you—the people of Mendocino County. Thanks to that team, the office continues to fully work for you. When you re-elect Norm, the County Board of Supervisor will select and appoint the person who will fill that 4-year term of office. Send the message to Norm's successor that you believe in his philosophy that the people of Mendocino County have the right to an open and accessible District Attorney. You can honor Norm's memory and support his commitment by voting for him on November 7."

Mr. Vroman was born in Los Angeles in 1936, and raised by his adoptive parents in Pomona and San Dimas, in San Bernardino County. Mr. Vroman's began working as an ambulance driver and a volunteer fireman while still a teenager. He was hired by the Pomona Police Department when he was only 18 years old. Mr. Vroman was promoted to sergeant, became a La Verne City Councilman,

and earned a degree from the University of LaVerne while working as a Pomona police officer.

Mr. Vroman earned his law degree from the University of Colorado in 1961, and accepted a job with the Los Angeles County District Attorney's Office. In 1971, when he was only 33 years old, Mr. Vroman was appointed by Ronald Reagan to the Pomona Municipal

Court, becoming the youngest judge in the State of California.

Mr. Vroman moved to Mendocino County in 1975, where he sold real estate, hauled cattle, taught school, worked as a public defender, a judge pro tem, and as the Assistant District Attorney for the Mendocino County District Attorney's Office. Mr. Vroman was elected Mendocino County District Attorney in 1998. As District Attorney, his availability and accessibility to the people of Mendocino County and his commitment to the Constitution characterized his administration.

His wife, Raleigh Page-Russell of Hopland, daughter Kathryn Vroman Benner of Santa Paula, Ventura County, daughter Melissa Vroman of Glendale, Los Angeles County, son Brandt Vroman of West Linn, Oregon, a half sister, Denise Cook, of Lima, Ohio, and six grandchildren survive Mr. Vroman. ●

Assembled from reports in SFGate and the Mendocino Beacon.



Norm Vroman
1936-2006

The Rule of Three in Public Speaking

By **Matt Lewis**

Campaign Consultant

Have you ever noticed that the most memorable speeches, slogans, and titles tend to come in threes?

"Honor, Courage, Commitment"
—U.S. Naval Academy

"Friends, Romans, Countrymen"
—Mark Anthony in Shakespeare's *Julius Caesar*

"Sex, Lies and Videotape"
—movie title

Here are more examples:

"Veni, Vidi, Vici"
("I came, I saw, I conquered")
—Julius Caesar.

"Government of the people, by the people, for the people"
—Lincoln's *Gettysburg Address*

"Never before in the field of human conflict was so much owed by so many, to so few"
—Winston Churchill

Tip: If you want your message to be remembered, put it into a list of three! ●

MATT LEWIS is a Campaign Advisor, Consultant, Manager and Instructor. Read more of his advice at www.MattLewis.org or www.LeadershipInstitute.org.

Viewpoints: What's YOUR Take?

Have YOUR viewpoint printed right here at *California Freedom*. Send us your letters to the editor, photos, reports on local LP events, op-ed articles, or critique of the latest book you've read about politics or economics.



Editor@CaliforniaFreedom.org

or

Editor, *California Freedom*
P.O. Box 611021
San Jose, CA 95161-1021

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- | | |
|--|---|
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* Special offer, available if you have never been an LPC member

The Libertarian Party is the party of principle. To publicly affirm what we believe – and to ensure that our party never strays from our principles – we ask our members to proudly sign this statement:

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

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■ Election 2006

Statewide Candidates

Governor: Art Olivier

Art Olivier—former Mayor of Bellflower. Olivier was an engineer at Boeing for 20 years, and after serving as Mayor of Bellflower in 1998–1999, he was the Libertarian nominee for Vice-President in 2000. In his official candidate statement, he emphasizes 1) cutting state spending, 2) ending benefits for illegal immigrants, and 3) focusing gas taxes and license fees on road construction.

In the 2003 gubernatorial race the Green candidate won 5% and the LP candidate 2%. Both marks will probably edge up in 2006, as the Greens are running their 2004 Vice Presidential nominee Peter Camejo.

<http://www.electart.com>

Lieutenant Governor: Lynnette Shaw

Lynnette Shaw—medical marijuana activist. Shaw successfully lobbied the Marin County Supervisors to formally de-prioritize enforcement efforts against medical marijuana. She calls for the release of over 1400 non-violent marijuana prisoners in California jails, and promotes hemp agriculture in America to help save family farms and in Mexico to ease immigration pressures.

Her Republican opponent, Sen. Tom McClintock, was endorsed for governor in 2003 by the American Medical Marijuana Association, who also attracted some Libertarian supporters for his positions on spending, education, minimum wage, guns, and eminent domain. The Green, Donna Warren, wants a “living wage” law, universal health care, slavery reparations, and to “re-regulate energy” because “energy belongs to the people”. At this writing McClintock and Democratic machine candidate John Garamendi are neck-and-neck.

<http://www.voteshaw.info>

Secretary of State: Gail Lightfoot

Gail Lightfoot—retired nurse. Lightfoot is a 1972 Charter member of the LP, an LPC activist since 1980, and was a prominent plaintiff in the 2000 Supreme Court decision overturning California’s Prop 198 blanket primary. Her focus in this election for Secretary of State is on procedural issues like *None Of The Above* and *Instant Runoff Voting*.

Controller: Donna Tello

Donna Tello—tax accountant. Tello sums up her position as: “Control spending, not people. Protect taxpayers, not special interests.” She gently challenges voters using humor: “I’m conservative on economic issues and liberal on personal issues. (I’m not confused; are you?)”

<http://www.donnatello.da.ru>

Treasurer: Marian Smithson

Marian Smithson—West Covina City Treasurer. Smithson proposes to use her practical experience to put California on a pay-as-you-go financing policy.

Attorney General: Ken Weissman

Kenneth Weissman—Beverly Hills attorney. Weissman is a straight shooter when it comes to all the vital issues of personal freedom. He describes himself as a 2nd Amendment absolutist, and says “Gun control means hitting your target.”

<http://www.electkenweissman.com>

Insurance Commissioner: Dale Ogden

Dale Ogden—actuary and insurance consultant. Ogden lays out detailed plans for reforms on his www.SmartVoter.org pages. He summarizes: “California used to have a reputation for competent insurance regulation, along with a few other heavily-populated states like New York and Illinois. Since we’ve had elected commissioners, we’ve become a national joke.”

<http://www.dalefogden.org>

Board of Equalization:

Kennita Watson, Willard Michlin, Monica Kadera. Watson won 275K votes (22%) in her 2-way District 1 race in 1998 (and 7% in a 3-way in 1994), but this year all four districts are contested by the two incumbent parties as well as by Peace & Freedom.



Libertarian Endorsed by the California Rifle and Pistol Association

Pamela J. Brown was the only LP candidate endorsed by the California Rifle & Pistol Association (CRPA) in their voters’ guide.

Brown is a State Senate Candidate for District 20, which covers a large section of the San Fernando Valley area. It includes voters in San Fernando, Canoga Park, Winnetka, Reseda, Pacoima, Northridge, Panorama City, Mission Hills, North Hills, Sylmar, Van Nuys and North Hollywood.

Dr. Brown, an Associate Professor of Economics, teaches

at Pierce College in the San Fernando Valley. Brown has been involved in the Libertarian Party since age 19, when she left the Democratic Party and found her political home. She is a supporter of The CATO Institute, The Reason Foundation, The Independent Institute, Howard Jarvis Taxpayers Association, Citizens Against Government Waste, Compassion & Choices, Doctors Without Borders, and other organizations.

Congratulations, Pamela!

– Submitted by Paul Blumstein

Art Olivier and supporters made a splash of patriotic color at Denver International Airport during his 2000 Vice Presidential campaign.



Photo courtesy of Art Olivier



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SEGALLA & ASSOCIATES

3224 Skunk Ranch Road • Murphys, CA 95247
(209) 728-2887 • alsegalla@jps.net
www.bambiland.com

■ Election 2006

Guide to 2006 California Ballot Measures

by Brian Holtz

Associate Editor

The most important statewide propositions on the November 7 ballot are Prop 89—campaign finance— and Prop 90—eminent domain and takings.

Prop 86—cigarette taxes and Prop 87—oil taxes, will have a big impact if they pass. Prop 85—parental abortion notification will be closely watched for symbolic reasons. My predictions: 84, 85 and 89 will fail. 88 will pass narrowly, while 86 and 87 will fail narrowly. The rest will pass.

The Libertarian Party of California recommends the following votes on November's ballot measures:

Yes on 1A – Transportation fund protection. Protects transportation-designated gas tax revenues from further raids by Sacramento.

No on 1B – Bonds for roads, highways, and transit. More than half the revenue would go to agency budgets and local projects rather than statewide, long-term transportation projects.

No on 1C – Bonds for housing. Subsidizes "infill" urban social engineering. Subsidizes moderate-income homebuyers. Ongoing shelter assistance for the indigent should not be funded as a capital expense.

No on 1D – Bonds for education facilities. The government provides food assistance without building supermarkets, and it can provide education assistance without building schools. Any government assistance for education should take the form of vouchers or tax credits, not capital expenditures.

No on 1E – Bonds for Central Valley flood control. Flood control is the responsibility of the districts containing the flood zone(s).

No on 83 – "Jessica's Law" against former sex offenders. Prop 83 seems to impose an *ex post facto* new punishment of lifetime GPS tracking on people already convicted of a sex crime.

No on 84 – Bonds for water quality, environmental protection, and flood control. \$11B in water and resource-related bonds have been approved since 1996. This measure is a Christmas tree of funding for local and regional projects that should be funded by the affected users or districts.

Silent on 85 – Parental notification for minor's abortion. Libertarians are conflicted on this measure. While parents normally must consent to any surgical procedure on their children, children should be protected from parents' efforts to bind them with a multi-decade child-rearing obligation. I wonder if parents would be willing to opt in to the notification rule on condition of an agreement to permanently adopt any resulting grandchild.

No on 86 – Cigarette tax for healthcare spending. Tripling the cigarette tax to \$3.50 per pack would demonstrate how black markets put limits on consumption tax revenues. If a hospital accepts cigarette funds to defray state mandates for ER care regardless of ability to pay, 86 imposes price controls for services to patients with income up to 3.5 times the poverty line. 86 thus increases the cross-subsidizing and single-payer problems that make our healthcare system inferior to one in which healthcare consumers control their own healthcare dollars.

No on 87 – Oil extraction tax for alternative energy. Prop 87 naively dictates that the tax "shall not be passed on to consumers through higher prices," and will have the government investigate all price increases. Thus one cannot trust 87's vague hand-waving that a new bureaucracy will apply 57% of the revenues to "market-based in-

centives" for alternative fuel production, distribution, and vehicles. 37% of revenues are for commercialization of renewable energy technologies, an activity at which government bureaucracy is even less competent. Even proponents of applying resource extraction taxes to incentives for reduced petroleum use find this measure unsupportable.

No on 88 – \$50 parcel tax for public K-12 schools. Prop 88 bypasses the Prop 13 two-thirds threshold for local property tax increases by making this tax statewide and thus less locally accountable. K-12 education is too important to be a government monopoly. K-12 education just needs one reform: let tuition dollars be controlled by parents. Government support for nutrition doesn't require owning supermarkets, so any government support for education doesn't require it owning schools.

No on 89 – Public campaign financing and limits on campaign contributions/spending. If you restrict the use of monetary resources for political speech, you merely amplify the power of other resources, *e.g.* celebrity, incumbency, media access and control, membership power magnified by special legal privileges (*e.g.* unions, churches), etc. Indeed, Prop 89 was put on the ballot by the California Nurses Union, which is trying to use its political muscle to unfairly limit corporate contributions for ballot measures and to make corporations foot the bill for public campaign financing. This 56-page law treats as second-class any candidate from a party that didn't get 10% of the previous gubernatorial vote, so third parties essentially need to have a break-out year before they can have a break-out year. The government would manage the campaign finances of all participating candidates, and would subsidize dollar-for-dollar the major-party opponent of any candidate who dared reject public campaign financing and the strings attached to it. The law even restricts contributions to independent groups advocating for or against particular candidates.



Prop 90

continued from page 1

condemning properties for the benefit of other private parties. In the year following the Kelo decision, cities and redevelopment agencies in California condemned 50 individual properties for the benefit of private parties and threatened at least another 296.

Prop. 90's restrictions on eminent-domain abuse seem pretty commonsense—unless you are:

(1) a developer out to curry political favor to get an otherwise difficult project at a bargain price,

(2) a corrupt official willing to take campaign donations off a developer's hands for such a project,

(3) a greedy official who wants more money to play with by substituting the tax revenue of a Costco for that of a few homeowners, or

(4) a government bureaucrat looking for a way to flex your muscles and assert your importance because, by golly, you know better how to use that property than the rightful owners do.

Unfortunately, many have ignored the issue of eminent domain abuse because, they believe, it does not directly affect them—until, one day, it does. The U.S. Supreme Court's now-infamous *Kelo vs. City of New London* decision last year, however, put the issue on many property owners' radars. People realized that if it can happen there, it can happen here, too.

If the government can arbitrarily take your property against your will and force you to accept an offer of "just compensation" that may or may not be fair, how much do you really own your property?

The *Kelo* decision ignited a firestorm of state and local measures intended to protect property owners from similar eminent domain abuses. Unfortunately, many of these measures were so watered down as to be practically meaningless.

While Prop 90 has its drawbacks—it vaguely requires government to compensate property owners for "substantial"

economic losses caused by new regulations and leaves open-ended such eminent domain justifications as "blight" and "obscenity"—it does have some teeth and would offer property owners throughout the state some real protection against governments' most egregious eminent domain abuses.

Another provision, which some claim is more controversial than the main eminent domain element, would require state and local governments to compensate property owners when the government

reduces the value of their private property through more restrictive zoning or other regulations. Such "regulatory takings" are just as odious as other eminent domain abuses, since it matters little whether the government takes 100 percent of your property by invoking eminent domain or, say, 25 or 50 percent of its value by passing regulations. The principle is the same: government should, at the very least, be severely restricted in its ability to take private property, and should fully compensate property owners for their losses as a result of government action.

The Founding Fathers were right about the importance of private property in preserving and protecting liberty. John Adams argued, "Property must be secured, or liberty cannot exist." George Washington asserted, "Private property and freedom are inseparable." And James Madison wrote in the *Federalist Papers* that "Government is instituted no less for the protection of the property, than of the persons, of individuals." They meant protecting the property of all, not some more than others. ●

As published in the *San Francisco Chronicle*, Friday, October 20, 2006.

ADAM B. SUMMERS is a policy analyst for Reason Foundation, a non-profit think tank dedicated to advancing free markets. He is also a writer for *The Libertarian Perspective*, a series of op-eds published by the LPC. The article can be found on line at <http://tinyurl.com/y3kze8>

Libertarian-oriented guides to the 2006 ballot measures are also available at:

<http://www.reason.org/californiaballot/index.shtml>

<http://www.wgla.org/Politics/initiatives2006nov/>

<http://lpoc.net/index.php?menuID=Page&pid=8>

Yes on 90 – Constitutional protection against eminent domain and regulatory takings. A wonderful constitutional amendment that not only would stop abuse of eminent

domain, but would also require government compensation when new laws and regulations reduce the economic value of one's property. ●

■ Commentary

Taxpayers Are Not Mushrooms

By Jon Coupal

Howard Jarvis Taxpayers Assoc.

Taxpayers are not mushrooms. So why do government officials keep us in the dark and feed us manure? Two seemingly unrelated stories are unfolding in California that are illustrative of the mindset of some in government that citizens and taxpayers are entitled to know neither how their money is being spent nor how it will be spent in the future.

The first story takes place in Petaluma, a small city in Sonoma County. There, a city resident had some questions about a certain "intergovernmental charge" the City is imposing on its own sewer department. The charge is not insignificant. At over \$9 million, it represents a levy of over \$500 per citizen. Now, according to the city, the \$9 million charge represents indirect costs incurred by the City for the benefit of the enterprise of providing sewer service.

Fair enough. But our city resident, who also happens to be a former city council member, has real suspicions that the



costs cannot be justified and that the city is simply trying to pad its general fund at the expense of those who use sewer service. In other words, a classic hidden tax.

Moreover, it is apparent that the City is "double dipping"—charging an administrative fee for work that is already accounted for through intergovernmental charges.

By more than 83%, California voters said yes to the question of making the availability of public documents a Constitutional right

In order to confirm what seems fairly obvious, our stalwart citizen has tried repeatedly to

obtain public records to verify his suspicions. But the City has stonewalled the release of the requested documentation. No fewer than a half dozen verbal, written and emailed requests have been ignored. When the citizen submitted a formal request under the California Public Records Act seeking detailed information, the City produced only a two-page summary—a meaningless and nonresponsive document.

In sum, the City of Petaluma has made clear its intentions never to reveal the requested financial records.

The second story has a similar theme. In Sacramento, there is an effort bordering on desperation to keep the professional NBA team, the Sacramento Kings, from leaving the city. The ultra-rich owners of the team, the Maloof family, which owns The Palms Casino in Las Vegas, are trying to milk the taxpayers for all they are worth. They are also getting a lot of help from city and county officials.

Despite overwhelming evidence that public subsidies for professional sports franchises are at best a wash for taxpayers and usually a negative, city and county leaders have placed a one-eighth-cent sales tax increase on the ballot to pay for, among other things, a new NBA arena. (Of course, the Kings owners want all the revenue from the naming rights, parking, concessions and surrounding businesses, but taxpayers will pay for the debt service on the project).

The proposed tax—which is trailing badly in the polls—is flawed for many reasons, not the least of which is the fact that "the deal" hasn't been worked out yet between the City, the County, the Kings ownership, and the developer of the proposed site. Indeed, even after the tax hike measure was put on the ballot, the Maloofs

stormed out of a negotiation session over the number of parking spaces they would get.

In the wake of the collapsed negotiations, a city official sent a revised proposal to the King's ownership via email. Because voters will be voting on this proposal in a few short weeks, the opponents of the tax demanded that the communication between the government officials and the ownership of the franchise be released to the public. The reason is simple: Taxpayers and voters want to see how much the City of Sacramento is willing to give away in public subsidies to the team's owners. The answer to that question is likely to have a dramatic effect on how local citizens will vote on the tax increase.

But, just like Petaluma, Sacramento officials have refused to disclose this obviously public communication.

It's time we let the courts weigh in and tell secretive officials about the importance of open government

Two years ago, Proposition 59 presented the following question to California voters: "Shall the Constitution be amended to include public's right of access to meetings of government bodies and writings of government officials while preserving

"The multiplication of public offices, increase of expense beyond income, growth and entailment of a public debt, are indications soliciting the employment of the pruning knife."

— Thomas Jefferson
letter to Spencer Roane, 9 March 1821

specified constitutional rights and retaining existing exclusions for certain meetings and records?"

By more than 83%, California voters said yes to the question of making the availability of public documents a Constitutional right. The failure to provide public documents is violation of that right.

In both Petaluma and Sacramento, government officials are wrongfully keeping information from the public that the public has the right to know. In both Petaluma and Sacramento, officials have revealed their disdain and contempt for the voting public and further revealed their arrogant attitude that says, "We know better than you. How dare you interfere with us?"

But Petaluma and Sacramento have one more thing in common. They were both sued by the Howard Jarvis Taxpayers Association. It's time we let the courts weigh in and tell secretive officials about the importance of open government. ●

JON COUPAL is president of the Howard Jarvis Taxpayers Association—California's largest taxpayer organization—which is dedicated to the protection of Proposition 13 and promoting taxpayers' rights.

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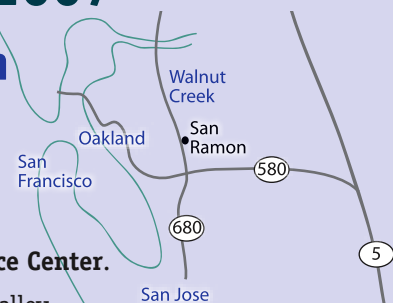
Save the Dates!
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LPC Convention in San Ramon

The State Party's 2007 Convention will be held April 20-22 at the **San Ramon Valley Conference Center.**

San Ramon is in a beautiful valley east of the Oakland hills and west of the Altamont Pass. Oakland is the nearest airport. Information on the Conference Center itself is available at <http://www.sanramonvalleyconferencecenter.com/>. Further details, including prices, will be available soon. Delegate allocations will be calculated based on membership as of the end of November.

Terry Floyd heads up the team putting on the convention.



Is the Libertarian Brand The Best? California's 'Third' Parties—an Analysis



by **Brian Holtz**
Associate Editor

Who is our competition for third place, anyway? Under California law, a party is qualified to participate in primary and general elections if: 1) it has as many registrants as 1% of the voter turnout in the last regular gubernatorial election, or 2) had a statewide candidate win a 2% share in that election. The following two tables show the non-Republicrat political parties that are ballot qualified and how they did it, over the last four election cycles.

Here's a review of the other political parties which offer alternatives to the two major parties in California:

The American Independent Party was founded as a national party in 1968 to support the Presidential candidacy of segregationist Alabama governor George Wallace. In 1991 the California AIP became an affiliate of the right-wing Constitution Party, which was formerly the U.S. Taxpayers' Party. In the 2004 Presidential election, AIP's vote in California was just 8% of its registered base, compared to 56% for the LP, 25% for the Greens, and 40% for P&F. This confirms the judg-

ment of analysts who say that AIP's registration numbers are wildly inflated by voters trying to register as Decline To State. The AIP favors a moratorium on all immigration, the deportation of all illegal immigrants, and the denial of citizenship to their children born here. The AIP favors bans on all obscenity, all drugs, any form of same-sex unions, and any form of abortion. The AIP defends religious displays on public property and voluntary prayer in public schools. The AIP's foreign policy is nearly identical to the LP's, except the AIP demands U.S. reclaim the Panama Canal. The AIP opposes all free-trade treaties and favors tariffs on each imported item equal to the difference in the cost of its production abroad compared to in America.

Rothbard then joined the LP and Evers followed, where they proceeded to rewrite the LP platform in 1975.) P&F lost ballot status in 1998, but was able to to regain it in 2003 because low turnout in the 2002 gubernatorial election set the registration threshold at only 77K. Like the LP and Greens, the PFP needs to win 2% in some statewide race this year to retain ballot status. PFP calls for "social ownership and democratic control of industry, financial institutions, and natural resources", doubling the minimum wage, a 30-hour work week, and "free high-quality health care for everyone". If you're surprised that PFP "supports the right of working people to keep and bear arms", then remember that The Internationale is featured prominently on their web site.

The Reform Party was founded in 1995 by Ross Perot and has been plagued by infighting since he abandoned it in 1997. The Reform Party agenda consists of protectionism, procedural political reforms, balanced budgets, and restricted immigration. RP lost its California ballot status in 2003 and will likely never regain it. The LPC's biggest competitor by far is the ten-year-old Green Party. They position themselves to capture the loyalty of anyone with libertarian impulses who doesn't understand free market economics. The GP's growth seems to be leveling off in California. This perhaps due to a ceiling effect of an existing major party, the LPCA in the same quadrant of political space. If the LP wants to regain its undisputed title as America's third party, it needs to take advantage of the the lack of competition in its own quadrant. It can do so by branding itself as the market-smart choice for the plurality of Americans who favor social tolerance. ●

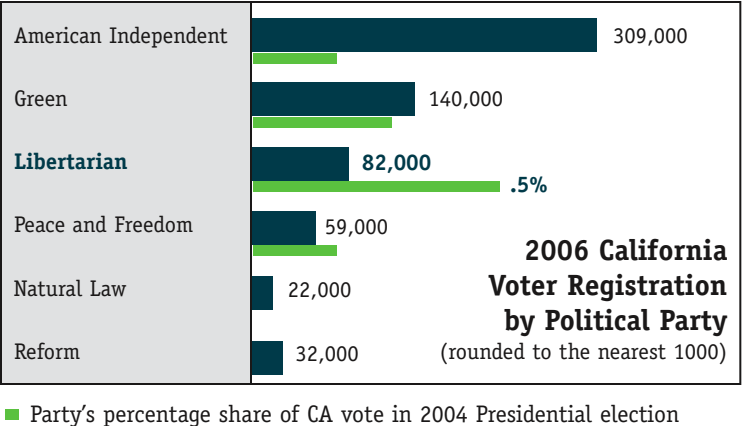
Political Party Registrants (in 1000s)				
Election Cycle Date				
Party	Oct 2000	Sept 2002	Sept 2004	Sept 2006
American Independent	296	296	304	309 (2%)
Green	139	147	156	140 (.90%)
Libertarian	95	89	86	82 (.84%)
Peace and Freedom	[?]	70	67	59
Natural Law	58	45	29	22
Reform	79	59	[46]	[32]

Data from the office of the California Secretary of State

Brackets indicate lack of ballot qualification that year.
Numbers in parentheses are percentage of the electorate.

Share Earned by that Party's Candidate in General Election (% of votes cast)				
Date and Race				
Party	2002 Calif. Governor	2002 CA Sect'y of State	2004 U.S. Senator	2004 U.S. President
American Independent	1.7	1.2	0.6	0.2
Green	5.2	3.9		0.3
Libertarian	2.1	2.8	1.7	0.5
Peace and Freedom			2.1	0.2
Natural Law	1.1	2.4		
Reform		1		

Data from the office of the California Secretary of State and the League of Women Voters (www.SmartVoter.org)



The Green Party was formed in 1996 as an association of state Green parties and quickly eclipsed the Green Party USA that had been established in 1991 (and still exists). The Greens "out-elected" the LP-US 25-7 in 1996, 47-34 in 2000, 81-43 in 2002, and 71 to (at most) 42 in 2004. The Greens also list 47 election wins in 2005, 65 in 2003, and 64 in 2001. Half of all registered Greens are in California. The Greens are radical leftist socialists who favor "restructuring our patterns of income distribution", nationalized health insurance, municipal veto over "large economic projects", a 30-35 hour workweek, gun control, "more progressive taxation" including inheritance taxes, and "increased funding for Social Security, public housing, higher education, public transportation". They say "the artificial dichotomy between 'employment' and 'unemployment' has become a tool of social leverage for corporate exploiters."

The Peace and Freedom Party was founded in 1967, and anti-war Rothbardian left-libertarians competed with Marxists to control it. (Rothbardians took over the California PFP long enough to have Bill Evers co-write its 1974 platform, but

The Natural Law Party was founded in the early 1990's by followers of Transcendental Meditation guru Maharishi Mahesh Yogi. He stopped funding the party after its failed hostile takeover of the Reform Party in 2000, and the California NLP will lose its ballot status this year because it is running no statewide candidates. The NLP platform called for a flat income tax, market-based health-care reform, school vouchers, sustainable agriculture, and energy conservation. It straddled many issues, e.g. by supporting the status quo on abortion, immigration and gun control.

BRIAN HOLTZ designs Internet software in Silicon Valley for Yahoo. He was a member of the last three LPC Platform Committees and the California representative to the 2006 LP Platform Committee. Holtz recently joined the California Freedom team as Associate Editor. For more see <http://holtz.org>

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Patience is bitter, but its fruit is sweet.
— Aristotle

Quick Reference Guide – Statewide Ballot Initiatives:

For further analysis of these propositions, see page 5

Proposition 1A	YES	Transportation Funding Protection
Proposition 1B	NO	Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006
Proposition 1C	NO	Housing and Emergency Shelter Trust Fund Act of 2006
Proposition 1D	NO	Kindergarten-University Public Education Facilities Bond Act of 2006
Proposition 1E	NO	Disaster Preparedness and Flood Prevention Bond Act of 2006
Proposition 83	NO	Sex Offenders. Sexually Violent Predators. Punishment, Residence Restrictions and Monitoring. Initiative Statute.
Proposition 84	NO	Water Quality, Safety and Supply. Flood Control. Natural Resource Protection. Park Improvements. Bonds. Initiative Statute
Proposition 85	No Position	Waiting Period and Parental Notification Before Termination of Minor’s Pregnancy. Initiative Constitutional Amendment.
Proposition 86	NO	Tax on Cigarettes. Initiative Constitutional Amendment and Statute.
Proposition 87	NO	Alternative Energy. Research, Production, Incentives. Tax on California Oil Producers. Initiative Constitutional Amendment and Statute.
Proposition 88	NO	Education Funding. Real Property Parcel Tax. Initiative Constitutional Amendment and Statute.
Proposition 89	NO	Political Campaigns. Public Financing. Corporate Tax Increase. Campaign Contribution and Expenditure Limits. Initiative Statute.
Proposition 90	YES	Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment.

LP Candidates Running for State Legislature



State Senate:

SD 4	Tony Munroe	Chico
SD 6	Alana Garberoglio	Antelope
SD 20	Pamela Brown	Northridge
SD 22	Murray Levy	So. Pasadena
SD 26	Bud Raymond	Los Angeles
SD 28	Peter “Pedro” De Baets	Los Angeles
SD 36	Joseph Shea	Ramona
SD 38	Brian Klea	Oceanside
SD 40	Jesse Thomas	Chula Vista

State Assembly:

AD 1	Thomas Reed	Cloverdale
AD 4	Michael Murphy	Rocklin
AD 6	Richard Olmstead	Petaluma
AD 10	Janice Bonser	Carmichael
AD 11	Cory Nott	Concord
AD 24	Lionel Silva	San Jose
AD 25	Michael Dell’Orto	Mokelumne Hill
AD 29	Jonathan Zwickel	Fresno
AD 38	Peggy Christensen	Granada Hills
AD 41	Conrad Frankowski	Woodland Hills
AD 42	Colin Goldman	Sherman Oaks
AD 43	Steven Myers	Los Angeles
AD 44	Barron Yanaga	So. Pasadena
AD 49	Laura Brown	San Gabriel
AD 51	Carl “Marty” Swinney	Inglewood
AD 59	Jill Stone	Monrovia
AD 72	Brian Cross	Orange
AD 73	Andrew Favor	Laguna Niguel
AD 75	Edward Teyssier	San Diego
AD 77	Richard Belitz	La Mesa
AD 78	Geof Gibson	San Diego

Libertarian Party of California

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Election Issue



See pages 1-2, 4-5 for more election coverage.

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