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Libertarians Spur Court Victory for Voter Choice!

A Full Slate of Libertarian State-Wide Candidates Will Appear on the November Ballot!

Once again, Libertarians are at the leading edge in the struggle over voter choice. Judge Strophy's, stalwart decision is a rebuke to Secretary of State Sam Reed's on-going attempts to limit voter choice, and serves to validate Libertarian efforts to expand and preserve choice at the ballot box.

On September 27th Judge Strophy decided in favor of the Libertarian Party, and ruled that Ruth Bennett and J. Mills should appear on the November ballot. As a result the Libertarian Party will have a candidate on the ballot for all state-wide races.

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Libertarian Party of Washington State

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Libertarians in Office in Washington

Bob Bromley Mayor of Sumas
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Mark Hamilton Bonney Lake City Council
Gene Hawkrige Northshore School Board
Ray Huff Granite Falls City Council
Steve LePage Benton County Conservation District Supervisor
Scott MacQuarrie South Cle Elum Town Council
Bill North North Highline Unincorporated Area Council
Debbie Raplee Kent City Council
Jim Richardson Skamania Cemetery District Commissioner
Don Vandervelde Peninsula Park & Recreation Commission
Bruce White Kent City Council
Derek Young Gig Harbor City Council
Appointed Officials
Rob Chase Chase Youth Commission
Frank Jenkins Pierce County Aging and Long Term Care Advisory Board
Walt Kloefkorn Trustee, Stevens County Rural Library District
Jonathen V. Wright Trustee, Harborview Hospital, Seattle
Richard Whitmore Chairman, WRIA 1 Water Resource Interest Caucus

There are many Libertarians serving as public officials in Washington State.
 Not all can be or want to be recognized. Please contact us if you wish to be listed.

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I-872 Reduces General Election Choices

By Richard Shepard
LOCAL ATTORNEY AND LIBERTARIAN

Ever since the federal courts invalidated Washington's popular blanket primary in late 2003 a battle has raged from the halls of the state legislature to breakfast tables throughout the state. At the core of the battle is the breadth and meaning of the First Amendment in elections for public office. There are as many replacement proposals as there are constituencies in the state. Voters will be asked at the general election in November to approve I-872, the so-called "People's Choice" initiative. They should vote NO.

Here is the background. Two very different proposals gained prominence in the 2004 legislative session in Olympia. One was the so-called "Montana" system. Under the Montana system any eligible voter can vote in any individual party primary and there is no public record of the voter's selection of party. The second election system, the so-called "top-two" or "Cajun" system, provides that all candidates, regardless of party affiliation, would appear on the same primary ballot and the winner and runner-up would move to the general election for a final run-off. Voters were absolved of any responsibility to select a party ballot. I-872 proposes the "Cajun" or Louisiana style system.

Neither system could garner a commanding majority in the legislature. At the end of the session a bill enacting the Louisiana system but providing that the Montana system would be used if the courts invalidated the Louisiana system was sent to Governor Locke. After consideration the governor vetoed the Louisiana portion of the bill, leaving the Montana system in place. Washington State used the Montana system in the September 14, 2004 primary.

Shortly after Governor Locke invalidated the Louisiana style primary the Washington State Grange filed Initiative 872 and spent \$450,000 to pay for sufficient signatures (contrary to its adopted policy against paid signature gatherers) to put it on our November ballot. The Washington Grange essentially argues that voter choice and privacy rights should trump political party associational rights. Supporting the Grange nominally if not financially are several other special interest groups including the Association of Washington Business and the Building Industry Association of Washington.

However, the Grange's true motivation (and the likely motivation of other business groups) is probably more accurately reflected in its pleadings before the Ninth Circuit Court of Appeals, about which the court said the following:

"The Grange argues that Grange members support water and public utilities for farms and that its members' rights to advance their rural agenda in both parties will suffer if each Granger is forced to choose a party ballot. The Grange says that it spearheaded the initiative in 1933 that led Washington to adopt the blanket primary, which has successfully prevented 'a politically corrupt nominating process controlled by political bosses or special interests.'" "Special interests' are evidently in the eye of the beholder. Some urban voters might think that special protection for rural water and electricity concerns serve a "special interest" of farmers, and that the Grange is a special interest group. There is nothing corrupt about promoting such protection, nor is there anything corrupt about organizing a party agenda that does not provide special protection for these interests. The members of the Grange have a First Amendment right to control its membership and message so that it is not swamped by new members with some urban or foreign policy agenda. Likewise, the people in the Democratic, Republican, and Libertarian Parties have First Amendment rights to control their nominating processes so that they are not controlled by Grangers."

Despite the public anger over the death of the blanket primary and distaste for being forced to pick a party under the Montana system, the *Tacoma News Tribune* recently editorialized an opposition to I-872:

"Superficially, Top Two would have the look and feel of the blanket system, which Washingtonians enjoyed for decades before the Supreme Court got involved. The problem, though, is what Top Two would do to the *general* election in November. Because only the top two vote-getters would proceed from the primary to the general, the state's smaller political parties would be almost completely shut out of the November ballot. And in some places, the final 'choice' would be between two Republicans or two Democrats."

The Vancouver based *Columbian* amplifies the problem this way:

"In 1980, the top two finishers in the Democratic primary for governor of Washington, under the old blanket primary system, were the fiery, conservative, acerbic incumbent Gov. Dixy Lee Ray and liberal state legislator James McDermott.

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Update from Chairman Larey McLaren

Larey McLaren
Chair of the Libertarian Party of Washington State

I have a couple of issues to address but first a little housekeeping.

On Friday, June 4th, while working in our backyard I had a ‘cardiac event’ – a heart attack. An emergency angioplasty was performed and a stent was installed in the artery traversing the back of my heart (think of a stent as a tiny culvert). I spent 12 weeks in supervised rehabilitation, learning new eating and exercise habits and having my heart function and medication levels monitored. I have been cleared for return to active participation and I have resumed the responsibilities of the Chair. My thanks go to the many who sent best wishes during my recovery.

During my rehab, our Vice Chair, Jocelyn Langlois has handled the duties of Chair. I am immensely grateful to her for her efforts. This has been a challenging time for our Party and Jocelyn has done a terrific job.

The Primary has come and gone leaving new challenges in its wake as well as reasons to anticipate the future with optimism. The challenges come in the form of new efforts by the other major parties to inhibit our access to the General Election ballot. We have approached the Secretary of State regarding the appearance of favoritism that will undoubtedly be attendant to selective enforcement of the ‘1% rule.’ Secretary Reed has chosen to ignore our courtesy, opting instead to address the issues in court. There is very little upside to preventing LP candidates who receive a majority of libertarian primary votes from appearing on the general ballot, while allowing minor party candidates receiving NO primary votes – merely a few hundred signatures– to advance directly to the general election. If the issue is voter choice as Secretary Reed has asserted, how does preventing LP access to the ballot preserve or protect voter choice?

Our lawsuit, filed on behalf of two of our statewide candidates who failed to meet the 1% requirement, is based on two concerns – one of due process and one of equal protection.

Meanwhile, several of our statewide candidates made it to the general election, as did many local candidates. Congratulations to all. While it is still too soon to understand all the ramifications of the “new” primary system, it is fairly safe to say that having 3.3 million voters receive Libertarian ballots and see extensive advertising by the State of Washington on our behalf had a positive effect. I think we have good reason to be confident in retention of major party status.

The other issue requiring diligent attention is the so-called “people’s choice initiative” – I-872. This initiative purports to preserve voter choice by *reducing* the number of candidates in general elections to a maximum of two. It also guarantees occasions where 2 candidates from the same party will appear in the general. It is simply another version of ‘top 2 move on’ or ‘Cajun’. Voters are being deliberately misled by well-known political elites. This is a travesty. It is also an opportunity. Our challenge is to educate voters and to associate the LP with true voter choice. We can do this by illuminating the deception and pointing out that the LP is the only major party voice for true voter choice in Olympia. I believe I-872 is a major threat, not only to the LP but to all minor party candidates and independents as well. It could signal the end of partisan politics in Washington State – we must work to defeat it.

As usual, “the times they are a-changin’”, and of course they remain the same, too. Election law has changed/is changing. The primary situation has offered new challenges and opportunities. At the same time, our opponents remain predictable in their efforts to stifle us. More strident perhaps (witness Chris Vance’s recent meltdown!), a bit more overt, but predictable just the same. We must recognize that to succeed in the big leagues we must elevate our game. And we are up to the challenge!

A Libertarian Performs Jury Duty

By Tim Perman

Local Libertarian activist and LPWS Treasurer

For some reason, I seem to receive jury summons often, both Federal and county. Inevitably the timing of the summons always coincided with either: a) another golf-resort conference for my boss, b) month-end reporting, or c) vacation time for my boss. And, due to the nature of my job, one of us had to be at work. It got to the point that I had a form letter typed to request a “temporary excuse.”

I’ve long held the belief that a jury box is wonderful place to apply the constitutional principles held by libertarians. Part of me saw it as a “duty” for some reason I don’t quite understand, but I looked at it more as an opportunity. I have long had a preference to serve at the Municipal Court of Seattle, mainly for the ease of the commute. Well, recently the stars finally came into alignments and I was asked to perform my jury duty in Seattle!

So, off to do my civic duty I went -- after signing in, filling out a form, and receiving a number, the entire jury pool was instructed to watch a video outlining what to expect. The celebrity narrator emphasized the point that we “must apply the law given by the judge to the facts given during the trial to make a decision in a case.” Images of brave jurors raced through my mind, and I questioned whether I would be able to set my personal beliefs aside in order to uphold justice.

The first case I was called for put me in the 8th seat of the 12 person jury. The case, as described by the court and further outlined during the voir dire session, involved a young, minority male who had been arrested for selling cocaine to an undercover officer in Georgetown. Oh yes, it was in a school-zone as well. The prosecutor questioned jurors regarding their views on drugs. I volunteered that “the war on drugs is a failure, and that I don’t think voluntary commerce between two individuals is a crime.” I was certain that I was that

would put me on the HELL NO list, what happened next stunned me! The prosecutor started interrogating me about my view of the drug war. I responded that, “the war on drugs is throwing minority men and women, like this fellow to be tried in this courtroom, into prison at a disproportionate rate, and it’s a travesty.” At this point, the judge called the prosecutor and a visibly surprised defense attorney to the bench (I assumed to question whether or not the entire pool had been tainted by my answers). Allowed to resume, the next question from the prosecutor to the jury pool was, “do any other members of the jury share the viewpoints of juror #8?” Out of approximately 25 jurors in the room (13 alternates), around half said that they shared this viewpoint, particularly when it came to medicinal marijuana. When asked if the jurors could try this individual on the charge as presented, all said that they could. To no ones surprise (including mine!), I was the first potential juror excused from this case.

A little disappointed but with my first day of jury duty complete, I headed home and hoped for a better experience the following day. I was the 43rd juror out of about 55 for the second trial. This case involved a young man that attended a concert at the Seattle Center Arena (Rage Against The Machine, I believe, in the late ‘90s). He was a teenager at the time, and had purchased reserved seats for the show, but had gone onto the general admission floor to do some crowd-surfing. Tragically, he was dropped on his neck while crowd surfing, suffering permanent damage. His parents were suing the City of Seattle and the contracted security firm for damages caused by concert management that supposedly led to their son’s injury.

Now, as an avid concert goer, I have been in mosh pits, and have passed flailing, combat boot wearing crowd-surfers over head. It’s definitely a choice; nobody forces you into the sea of humanity known as the mosh pit. I would have probably been the perfect juror for the City of Seattle. But during voir dire the question somehow came to the entire jury pool, “does anyone think that the [owner of a venue] has the right to exclude certain performers?” Incredibly, I was one of only about three that raised my number for the prosecutor to see. The attorney for the City asked each of us why we felt this way. I said, “because, if I own the

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I-872

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The top Republican vote getter, John Spellman, the former King County executive, finished third overall. In the fall campaign, it was the top Republican, Spellman, vs. the top Democrat, Ray. Spellman won and was the state's next governor. Under the top-two system, which I-872 would create, Spellman, who was arguably the most moderate of the top three, would not even have been on the general-election ballot, let alone been elected governor."

The Grange argues these problems will occur only rarely. Washington now has major parties representing three different political philosophies – the Democrats, Libertarians and Republicans. Washington also has a rich independent tradition and current law allows independent candidates and minor party candidates to go straight to the general election ballot by filing nominating petitions signed by as few as 100 voters.

I-872 will change all that. Because I-872 limits the general election ballot to two candidates it guarantees that at least one of the major party choices and probably all minor party and independent candidates will be eliminated in every contest. History shows how dramatic a change that will be. In the past 12 years, there have been 24 races for statewide partisan offices in Washington. Nineteen of those (80%) had more than 2 candidates on the November ballot. The actual number of candidates was 73. Under I-872's Louisiana system, the November ballots would have had at most 48 candidates – at least a 34% reduction in choice.

Specifically as to the Libertarian Party around 180,000 voters in this state cast their ballots for Ruth Bennett in 2000. That's 180,000 voices whose message would never be heard by our government if I-872 passed. That's 180,000 voters drawing our attention to different ideas and different approaches that will be lost if I-872 passes. One of the most important aspects of our system of government is its "check and balance" approach. Third-party candidates, minor party candidates and independent candidates are an important part of that check and balance. Proponents of I-872 try to sell it as the "People's Choice Initiative." A more accurate name would be the "Anti-Choice Initiative."

The Grange also argues that I-872 will increase competition and increased competition leads to better candidates. Increased competition is more expensive. When candidates must appeal to the entire electorate instead of a single political party in the primary the costs of campaigning increase substantially. This is an obvious disincentive for candidates with limited funds to even

enter a race. Just as the America's Cup has limited yacht racing to the rich, I-872 will limit political campaigns in Washington to the rich.

More important, there is no guarantee that more competition leads to better candidates. The 1991 Louisiana gubernatorial race (dubbed by the pundits as "the race from hell") is illustrative. In that year several Democratic Party candidates split the liberal vote so thoroughly that two self-described Republicans, white supremacist David Duke and scandal-plagued former governor Edwin Edwards, took the "top two" positions and wound up in a high-profile runoff contest. "Vote for the crook. It's important," became the ironic rallying cry for many who backed Edwards' successful campaign. Eventually both Duke and Edwards were indicted for financial irregularities. The same thing can happen in Washington if I-872 is made law.

Even the people in Louisiana don't like their primary system very well. "I would advise against (Louisiana's) primary," says Louisiana's chief election officer, Secretary of State Fox McKeithen. "It has not done well for us." And, Louisiana radio talk show host Jeff Crouere asks: "Why would anybody want what we have?" He notes that Louisiana has a long and troubled political history, plus in his opinion the primary "is a disaster." (Both men were quoted in a Seattle Times article on 2/2/04).

I-872 is as equally a bad idea and voters should reject it in November.

For more information and news on the "No on I-872" campaign visit www.no872.com.

Have any Letters News or Essays you want to see published in the Washington Libertarian? Please Send:

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VICTORY

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“Secretary Reed has repeatedly refused to consider approaches to election law which foster voter choice, opting instead to obstruct challenges to the ‘monopoly of the incumbents,” said Libertarian Party of Washington State Chair Larey McLaren.

Judge Richard Strophy ruled in Favor of the Libertarian Party at a hearing in Thurston County Superior Court. Richard Shepard, representing the Party, said. “I am pleased that this was resolved quickly and in the Party’s favor. State law has for too long suppressed the ideas of emerging political parties and it’s time for a change.”

The decision will put two of the Libertarian Party’s candidates on the ballot in the general election, Ruth Bennett for the office of Governor, and J. Mills for the Office of U.S. Senator.

Bennett, when asked her view of the ruling responded; “Judge Strophy understands that the duty of the state is to ensure that voters have a choice. In a free country who decides? My race for governor is about letting voters, not politicians, make decisions.”

Large discrepancies found in the counties that used consolidated ballots called into question the accuracy of the uncertified “emergency” software used to administer this new, controversial style of ballot. In fact over 44,000 votes were invalidated in the six counties that choose to use this faulty ballot.

J. Mills, who was two one-thousandths of a percent short of moving on to the general election in the primary, will also appear on the ballot. He had this to say of the ruling; “The judge correctly interpreted the law, particularly in light of the fact that there are serious questions about the vote tabulating software the state used in the primary. It’s unfortunate that the taxpayers had to pay a judge to force Sam Reed into complying with the law. Hopefully, in the future, Sam Reed will learn to properly apply the law in a way that does not unreasonably exclude emerging parties from access to the ballot.”

They Don’t Have Any Money!

A Letter From Judi Feist

My cousin loudly stated this to me recently. Why? She is frustrated with my continued support of the Libertarian Party and intent to devote my soon upcoming retirement years to it even more. Did her statement affect me? Yes! Libertarians are too small in number. We do not have the attention of the general public because it is unaware of our existence or our principles. What is needed is money for massive amounts of advertising.

After a recent read online of Michael Badnarik’s comments about post-divorce, shared parenthood and de-criminalizing child support issues I shared the information with a young, divorced father where I work. He asked me if the Libertarians were a religious group.

At work again – speaking of the up-coming election and my support of the Libertarians – another young man asked me if they were a group of liberals.

Do I have it figured out about how that could change? Yes – MONEY! With it comes the means to communicate with the American public. With that comes visibility, and with visibility comes support (i.e., more money!). Who do we want attention from? The American television-viewing public and powerful, charismatic people eager to run on a Libertarian ticket that makes sense to Average Joe and Jane.

We are in an exclusive club, and it stays that way because what money we contribute is just enough to pay our dues, contact (again!) those who do or have supported the LP, get the LP onto state ballots, cover campaign expenses, and keep the lights on in various LP offices across the country. This exclusive club has enough money and appeal to stagnate!

Fantasy: What if I knew Bill Gates? Ted Turner? (He must be bored by now... but still quite rich.)

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Libertarian Calendar, October and November

Local Meetings by County or Group

Please contact your local chair or party official to confirm dates, times and locations of local events.

Benton and Franklin LP: General Meeting

Date: Inquire with David Carson
Time: 7:00 PM
Location: Round Table Pizza, 295 Torbett in Richland
Contact: David Carson (509) 627-1303 Benton-Franklin@LPWS.org

Clallam County LP Meeting

Date: Second Tuesday of each month.
Time: 7:00 PM
Location: Las Palomas Restaurant in Sequim
Contact: Sidra Johansen (360) 683-6921 Clallam-Region@LPWS.org

Grays Harbor County LP

Date: To be announced; inquire with Jason Constantino
Time: Inquire with contact
Location: Aberdeen Timberland Library, 121 E. Market St, Aberdeen.
Contact: Jason Constantino at jjcon2@yahoo.com , 360-533-8635

King County LP Liberty Forum

Date: Inquire with contact
Time: 6:30 - 9:00 pm
Location: Azteca restaurant in Bellevue on 112th NE at Main (near I-405) Contact: jevans@solutionsiq.com.

Pierce County LP Monthly Meeting

Date: Every 3rd Wednesdays, confirm with contact
Time: 7:00 PM
Location: Elmer's Restaurant (by I-5).
Contact: Dean Gruber (253)-564-7005 Spokane-Region@LPWS.org

Thurston County Libertarian Party

Date: Inquire with Aaron Grahn
Time: 6:00 PM
Location: Brewery City Pizza in Lacey (near Lacey Cinema and O'Blarney's Pub)
Contact: Aaron Grahn, Thurston Chair: Thurston-Region@LPWS.org

Whatcom County LP Meeting

Date: 1st Sunday of each month
Time: 7:30 pm
Location: Home of Bruce and Grace Guthrie in Bellingham
Contact: Bruce Guthrie at (360)647-5372 or spdsk8@aol.com

Spoooner Society Social & Shooting Club

Date: usually meets last Wednesday of each month
Time:
5:00 PM: Wade's, 13570 Bel-Red Rd, Bellevue: www.wadeguns.com
6:30 pm: Applebee's, 13856 Bel-Red Rd (300 yds. east of Wade's).

Jury Duty

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venue, I can certainly decide what acts I will allow to play there," and I referenced John Tesh playing the Crocodile Cafe. "So, you think that *you* are the only one that can decide what acts play and what acts can't?" the prosecutor shot back. My response: "Well, yes, it is my club."

The prosecutor was appalled, and, even at juror #43, the 30th alternate, I was dismissed by the City of Seattle. I was portraying through my answers, I thought, that personal responsibility is paramount.

And thus ended a libertarian's performance of jury duty. It is curious that I have not been invited back.

Money

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Next thought: Do YOU know Bill Gates? Or anyone like him? Didn't the government do him a great injustice? Couldn't he, of all people, be persuaded to join and support us?

Your thought: She certainly is suffering from Wishful Thinking! My thought: This is more like reality thinking.

We don't have any money. We do not have clout. We do not have visibility. We need to DO something about it.

-Judi Feist