

## Badnarik and Gun Rights

HOUSTON—LP Presidential candidate Michael Badnarik of Austin campaigned September 26-28 at the 2003 Gun Rights Policy Conference held in Houston.

The event sponsored by the Citizens Committee for the Right to Keep and Bear Arms and the Second Amendment Foundation was attended by quite a few Libertarians including Pat Dixon, Travis County LP Chair; Anthony Garcia, Harris County LP Chair; Steve and Celeste Adams of Austin, and Dan Egner and Yvonne Kelly both from Houston.

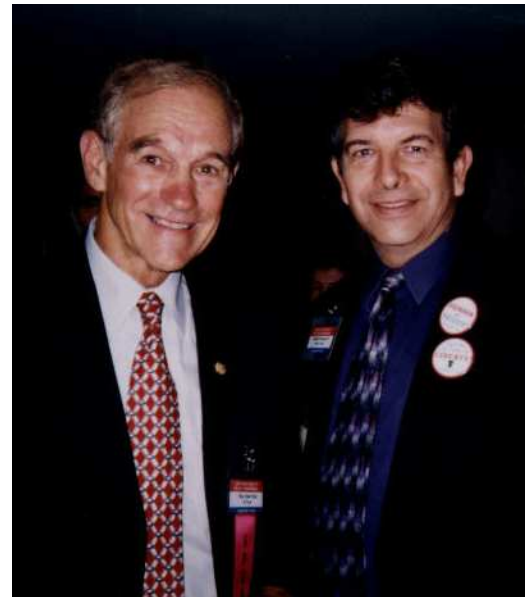
"Much to my pleasant surprise, the Libertarian Party was one of

the supporting organizations," Michael Badnarik reports.

Former LP Presidential candidate and current Congressman Ron Paul was a featured speaker as was RLC Land Commissioner Jerry Patterson.

"My favorite moment of the weekend occurred when Jerry told the crowd that rights are not granted by the Constitution," Michael said. "Jerry spotted me in the second row and announced to the crowd that "Michael Badnarik taught me that".

Visit [www.Badnarik.org](http://www.Badnarik.org) for more on Michael's campaign.



Rep. Ron Paul and LP Presidential Candidate Michael Badnarik at Conference.

## BAC Reorganized: Dixon Elected Chair

After a surprise resignation by Ballot Access Committee Chair Robert West, the committee met September 20 to reorganize. Current committee members (with some interested activists on hand) drafted a plan and began assigning specific tasks to volunteer leaders.



New BAC Chair Pat Dixon

Pat Dixon, Chair of the Travis County LP (TCLPPatJDixon@earthlink.net), was confirmed by the SLEC (meeting later that day) as the new BAC Chair.

Other members are Wes Benedict (wesliberty@aol.com), Jeff Daiell (Jeffdaiell@yahoo.com), Peter Elloway (713-529-5208), Anthony Garcia (agarcia@starbaseunix.org), Tom Kane (freedom2@felpsis.net),

Rick McGinnis (Rcmcginnis@austin.rr.com), and R. Anthony Steele (ranthonysteele@hatcharch.com).

The committee now has an online group to share information that members have been compiling and to keep each other up-to-date on the progress of individual tasks. The committee has also sought

out a number of experts on ballot access or petition drives and has been using their information to help build a better plan for Texas.

The Committee has decided Wes Benedict will take the lead in organizing volunteer petitioners. Anthony Garcia will be responsible for locating and managing paid petitioners. Rick McGinnis will coordinate

fundraising for the drive. Anthony Steele will look into legal issues and the possibility of any lawsuits that would improve ballot access for the Party.

Anyone with expertise in any area related to a petition drive is encouraged to contact the committee to volunteer or to help build the knowledge base of effective tactics, etc. The committee would like to hear from activists willing to organize the drive for their county, volunteer petitioners, notaries, lawyers with any experience or knowledge of ballot access issues, and anyone who can host a fundraiser for the drive or wishes to donate to the effort.

"I think everyone knows this will be a tough—but doable—petition drive," writes Bill Redpath, one of the experts consulted. Texas hasn't done a drive in years so "Nobody should 'nonchalant' this drive," he said.



# Lone Star Liberty

Volume 13, Issue 3  
October 2003  
Available monthly  
online at  
[www.lptexas.org](http://www.lptexas.org);

Publisher:  
Libertarian Party of Texas  
P.O. Box 27932  
Houston, TX 77227  
[www.lptexas.org](http://www.lptexas.org)

State Chair:  
David DeLamar  
P.O.Box 98131  
Lubbock, TX 79499  
[Chair@lptexas.org](mailto:Chair@lptexas.org)  
806-795-6961

Editor:  
Laura Coker-Garcia  
9835 Sagedowne Lane  
Houston, TX 77089  
[Laura@LibertyWorks.org](mailto:Laura@LibertyWorks.org)  
281-997-8141

Address Changes:  
Richard Walker  
[rwalker18@austin.rr.com](mailto:rwalker18@austin.rr.com)

Contributing Writers:  
Laura Coker-Garcia  
David DeLamar  
Kris Overstreet  
Jon Roland

Photography:  
Laura Coker-Garcia

Advertising Sales:  
Volunteer Needed! Contact  
David at [Chair@LPTexas.org](mailto:Chair@LPTexas.org).

Submissions of news, articles, opinion, letters to the editor, photos, event informatio, etc. are welcome. Please direct submissions to the editor at [Laura@Libertyworks.org](mailto:Laura@Libertyworks.org). Deadline for inclusion is the 20th day of the prior month; except for the January issue, which has a deadline of Dec. 15th.

## Letter to the Editor      Montgomery to Bank

Thank you for publishing Kris Overstreet's "Voting Suggestions." I don't generally bother to vote unless there's a party candidate to support, largely because I don't care to sort through the legal verbiage long enough to understand the issues.

So I very much appreciated having a "cheat sheet" in the form of Overstreet's editorial. Without it, I would not have voted.

T. Burnham

The County Executive Committee (CEC) for Montgomery County is examing opening a bank account, according to minutes from their September monthly meeting. Treasurer Gary King is looking into the process. The county Party has also developed a mailing list and discussed how the list could best be used to increase activism in the area.

## Financial Report

The Libertarian Party of Texas had a September bank balance of \$8,546, according to a report from Treasurer Bob Lockhart.

"We should try to be more frugal," Bob said. "I'd like everything to be a money raiser." He asked the SLEC to think outside the box, cut costs, and cut luxuries in planning future conventions or conferences.

## Legal Matters

Dallas Libertarians have a case in court concerning the compliance of early voting machines with audit trails, reports John Hawley, State Party Vice Chair. The case, filed prior to Election Day 2002, has a slim chance of calling into question the results of early votes in the 2002 elections if the court finds that the use of electronic machines for voting without a verifiable audit mechanism is not allowed.

## LP Growth on College Campuses

Texas State University in San Marcos and Texas Christian University in Fort Worth both have new campus Libertarian organizations.

James Abshier founded the TSU group this fall to replace a former LP campus group that had lapsed. TSU has 26,300 students.

The new LP group has held two meetings so far this year. Between 10 and 15 students have attended. The group will complete a Constitution and Bylaws this month. William Chittenden, a professor of Finance, will be the faculty advisor to the group. The group's first outreach activity was a "wildly successful" booth at the college's activities mart, James reports. The group now has "a large number of



College activists James Abshier and Mike Neel.

prospects," he says. James says the assistance of fellow students Mike Neel and Jeremy Bolf has been invaluable. James can be reached at [jhabshier@yahoo.com](mailto:jhabshier@yahoo.com).

Laura Mayberry is the founder for the new LP group at Texas Christian University. She can be contacted at [l.a.mayberry@tcu.edu](mailto:l.a.mayberry@tcu.edu).

# Meeting Report Delegates to National Convention

AUSTIN—Improving communications and ballot access were addressed at the most recent SLEC meeting held September 20 in Austin.

A motion proposed by Vice Chair John Hawley to place all available past approved SLEC minutes onto the state party's website passed. A second amendment by Richard Walker to have the Secretary send a draft of each meeting's minutes by email to SLEC members no sooner than two weeks after the meeting also passed.

SLEC also passed a motion by John Hawley to appoint Laura Coker-Garcia Publications Chair. SLEC also approved the return of Lone Star Liberty and allocated funds to publish and mail the newsletter in November 2003, February and May 2004. A motion by Anthony Steele to reimburse Harris County Libertarians \$636.87 for the August issue passed.

See front page for a report on ballot access efforts.

Texas delegates to the Libertarian Party National Convention will be chosen by the State Libertarian Executive Committee (SLEC) at the March 11, 2004 meeting.

The National Convention is scheduled for Memorial Day weekend, May 27-31 in Atlanta, Georgia. Individuals selected as delegates will be able to participate in the selection of the 2004 LP Presidential and Vice Presidential candidates, elect the next National Chair, Vice Chair, Secretary and Treasurer and Libertarian National Committee members. Delegates will also address changes to the National Platform and Bylaws.

In the past the LNC has set delegate numbers in January and has used a proportional allocation to reflect the number of National Party members each state has as well as bonus delegates awarded based on the percentage of votes cast in the state for the LP Presidential candidate in the last

election cycle. In 2000 Texas was awarded 67 delegates.

Individuals who want to be delegates for 2004 should attend the March 11 SLEC meeting. A time and location have not yet been confirmed, but the meeting will most likely take place in Austin. Notice of the exact time and location will be printed in future issues of this newsletter.

Those who wish to be delegates, but who can not attend the meeting should contact their SLEC representative. A list of the representatives is available online at [www.lp-texas.org/district\\_representatives.html](http://www.lp-texas.org/district_representatives.html).

The SLEC selects National Convention Delegates in election cycles where it is not possible for the State Convention to elect them. Texas Election Law sets the State Party Convention date (June 11-13, 2003) meaning for this cycle the National Party Convention will occur first.

---

## Polk County Libertarians Celebrate Bond Defeat

LIVINGSTON - Polk County Libertarians breathed a deep sigh of relief as voters shot down the county judicial center bond issue at the polls September 13.

The Libertarian Party took a public stand against the \$12 million, 15-year bond issue in July, before the bond was even publicly announced by the county commissioners. They later added stands against three of the twenty-two proposed state constitution amendments, each of which would grant the government permission to issue new bonds.

Preliminary counts of all votes resulted in 1,605 votes for the judicial center bond, and 2,610 against. Libertarian volunteers campaigned against the bond through word-of-mouth and distributed literature on Election Day at targeted polling booths.

"Although I'm glad the vote came out the way it did, we really can't

take the credit," said Kris Overstreet, Polk County Chair of the Libertarian Party of Texas. "Our contribution in the fight against this bond was only a small one compared to the general grass-roots opposition to the county commissioners' unbridled spending."

The Libertarian Party was among several groups and private individuals opposing the bond, which had no serious organized support.

Polk County voters also voted against two of the three bond issues contained in the statewide constitutional amendments election, held on the same ballot. All three propositions- Prop. 4, supporting new taxing and borrowing entities to fund parks, Prop. 14, borrowing money for highway projects, and Prop. 20, borrowing money to help defense industry communities- passed in the statewide vote.

"It just shows that Polk County voters are ready for the Liber-

tarian message- that they are sick and tired of government officials and bureaucrats incapable of balancing a checkbook," Overstreet said.

With the bond election over, Polk County Libertarians turn their attention to the next task at hand- finding, nominating and supporting candidates for local office in 2004, especially candidates for seats on the commissioners' court.

"This is the second time a bond for a proposed new courthouse has been rejected by the people," Overstreet said. "The only way we can stop a third proposal from happening is to fire the people responsible... and elect candidates dedicated to reducing government spending, eliminating public debt, and putting the county's books back in balance."

Kris Overstreet can be contacted at [redneck@wlpcomics](mailto:redneck@wlpcomics) or 936-685-4992.

# Patriot Act Challenges Constitutional Knowledge

By Jon Roland, President of the Constitution Society

Lyndon Johnson once wrote, "You do not examine legislation in the light of the benefits it will convey if properly administered, but in the light of the wrongs it would do and the harms it would cause if improperly administered." We should examine the USA Patriot Act, and other legislation, with those words in mind.

Proponents of this legislation argue that its provisions will not be abused, but will be applied with discretion to protect the public from terrorist attacks. Opponents argue that the broad language of the Act supports abuses, and that government agents and judges cannot be relied upon not to abuse the civil liberties of large numbers of people in their efforts to find a few who may present a real threat, and that contrary to the claims of the proponents, such provisions will do very little to prevent or investigate other such attacks, not enough to justify their effects on constitutional protections.

In a conflict of this kind, it is important that, in fighting the enemy, we do not become the enemy. On September 11, 2001, we lost about 3000 people, two large buildings, extensive damage to a third, and four aircraft with their passengers. There was also a disruption of the business life of New York City and the nation, amounting to a loss of billions of dollars.

However, the responses to this attack have also been costly, both in dollars and for our civil liberties. Air travel has become so much of a hassle, and a risk that some innocent item might be deemed a weapon by an overzealous screener, that people are avoiding air travel as much as they can, with huge losses to the airline and travel industry. People are afraid that some innocent remark they might make could cause them to be prosecuted for making a "terrorist threat".

Within six months of passing the Patriot Act, the Justice Department was conducting seminars on how to stretch

the new wiretapping provisions to extend them beyond terror cases," reports Dan Dodson, speaking for the National Association of Criminal Defense Attorneys. "They say they want the Patriot Act to fight terrorism; then, within six months, they are teaching their people how to use it on ordinary citizens."

David Socha, 17, was arrested in July at Logan Airport in Boston and charged with a felony for having a note in his gym bag which read: "(Expletive) you. Stay the (expletive) out of my bag you (expletive) sucker. Have you found a (expletive) bomb yet? No, just clothes. Am I right? Yea, so (expletive) you."

Should Mr. Socha really have been arrested and charged with "making a terrorist threat" for a protected political statement zipped inside his own luggage?

The proposed resolution being considered by the Austin City Council states: "Be it further resolved that local law enforcement continue to preserve and uphold residents' freedom of speech, assembly, association and privacy, the right to counsel and due process in judicial proceedings, and protection from unreasonable searches and seizures...", but some objection has been raised to the rest of that sentence, "... even if requested to do otherwise and infringe upon such rights by federal or state law enforcement agencies acting under powers assumed by the USA Patriot Act or by Executive Order." The objection is that it would put police and other city employees in the position of "breaking the law", because a provision of the Patriot Act makes it a crime to inform anyone except one's attorney of such actions.

The constitutionally correct response to this objection is that they would not be breaking the law, because there is no such law. There is a provision of a statute on the books, yes, but just because a statute is on the books

doesn't mean it is a law, even if it gets enforced by the courts.

The key concept underlying constitutional government is that the law is only what is authorized by the Constitution, as originally understood, as a historic act that is not affected by later opinions about it. Any official act, including provisions of statutes like the Patriot Act, which cannot be derived by an unbroken chain of logic from the provisions of the Constitution, or lack thereof, is null and void, from inception, not just from when a judge might rule it so. The law is not whatever judges do, and judicial opinions no more change what is constitutional than they would change the laws of geometry if they ruled that the ratio between the circumference of a circle and its diameter is 3 instead of pi.

When unconstitutional official acts are committed, every citizen has an affirmative duty to resist such acts, regardless of personal consequences. This duty is inalienable, in that it may not be delegated to supervisors, attorneys, or judges. When it comes to applying the law to any situation in which we might find ourselves, ultimately, we are all on our own.

Perhaps the greatest danger presented by legislation like the Patriot Act is that if a court case based on it is ever sustained on appeal, even if there was no abuse of discretion on the part of the investigators, prosecutors, or judges, that decision would sustain the entire broad language of the Act, and lay the basis for further actions that expand allowable discretion to the broadest possible construction of the language.

When the government terrorizes the people in the name of protecting them, the government becomes an accomplice to terrorists, amplifying their efforts and extending them.

***Austin passed the resolution Jon references. For more of Jon's writing visit [www. Constitution.org](http://www.Constitution.org)***

# Your Donation is Needed Today to Fund the LP Petition Drive and Continue Lone Star Liberty.

1. We must collect 90,000 signatures in just 75 days from March 10 to May 24, 2004.
2. Every person who attends the Precinct Conventions held Tuesday, March 9, 2003 cuts the number of signatures we will need to collect.
3. Last election we had 1,711 candidates—58 elected— a total of 562 Libertarians are in office—but donations at all levels are down. We need money now for the petition drive.

**Please do what you can today to help work for liberty in our lifetime!**

Check any that apply:

- I will **host a Precinct Convention** on the evening of Tues. March 9, 2004.
- I am a **notary public** and will volunteer for the petition drive.
- I **will petition** during March, April and May 2004.
- I volunteer to help **call** our members in advance of the Precinct Convention.
- I am a **college student** and will host **one** meeting to help organize an LP club.
- I plan to be a **candidate** in 2004 for the office of: \_\_\_\_\_
- I can volunteer now for **outreach events** on weekends.
- I can provide **room and board** during petitioning to volunteers from out-of-state or from other areas in Texas.
- I want to be more active, please add me to the **email announcement** list.
- I can host or design a **website** for the Party or a candidate.
- I am a **printer/copier** and will help with printing petition sheets.

What Libertarian issues do you think the LP should stress? \_\_\_\_\_

- I am enclosing a donation to **fund the petition drive**.
- I am enclosing a donation to **support party activities** (outreach, newsletter, etc.)

My best donation: \_\_\_\_\_ \$25 \_\_\_\_\_ \$50 \_\_\_\_\_ \$75 \_\_\_\_\_ \$100 \_\_\_\_\_ Other

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Precinct #: \_\_\_\_\_

County: \_\_\_\_\_

Please make checks payable to the Libertarian Party of Texas. Include this form with any donations and Mail to: PO Box 27932 , Houston, TX 77227

# Events of Interest to Texas Libertarians

**Oct. 20-31 (Mon.-Fri.) Early Voting** for the November 4 Election.

**Oct. 28 (Tue.) Last day to request a ballot by mail** for the November 4 election.

**Oct. 29 (Wed.) CATO's City Seminar** at the Dallas Four Seasons Hotel at Las Colinas, 4150 N. MacArthur Blvd., Irving, Texas. Details not available at press time, but similar seminars cost \$75, check [www.cato.org](http://www.cato.org) for more information.. To register contact Krystal Brand at 202-789-5229.

**Oct. 30 (Thur.) CATO's City Seminar** at the Houston Four Seasons Hotel, 1300 Lamar St., Houston, Texas. Again see [www.cato.org](http://www.cato.org) for information. Register as above.

**Nov. 4 (Tues.) 7 a.m. to 7 p.m. Election Day**—for local political subdivisions—also Mayor and City Council races in Houston, Bellaire, and any other cities that did not hold May elections.

**Nov. 8 (Sat.) Grassroots Get Out the Vote Workshop** in Weatherford, TX. Organized by the Leadership Institute. See [www.lead-inst.org](http://www.lead-inst.org) for information.

**Dec. 1 (Mon.) Filing Opens** for candidates seeking the Libertarian nomination for offices up for election No-

vember 2004. Forms may be downloaded from the Secretary of State's website at [www.sos.state.tx.us/elections/forms/nomin.pdf](http://www.sos.state.tx.us/elections/forms/nomin.pdf) and should be delivered to the State Chair for statewide and district offices and to your County Chair for local county offices before January 2, 2003. More information will be provided in future issues.

**Dec. 6 (Sat.) SLEC meeting** to be held in Austin. Exact time and location to be announced.

**May 27-31 (Thur.-Mon.) Libertarian Party National Convention** in Atlanta, Georgia at the Atlanta Marriott Marquis. LP business includes election of officers—Chair, Vice Chair, Secretary and Treasurer; Libertarian National Committee Representatives; platform and by-laws modifications, and nomination of 2004 presidential and vice presidential candidates. Package prices for workshops, speakers, meals have not yet been set. Contact Convention Committee Chair Nancy Neale at [convention@hq.LP.org](mailto:convention@hq.LP.org) or 512-263-1681.

**June 11-13 (Fri.-Sun.) Libertarian Party of Texas State Convention** at the Hilton Hotel in College Station. Convention packages not yet announced, but discounted hotel rooms may be reserved for \$70 per night up until May 21, 2004. Committee Chair Christopher Jagge can be contacted at [c\\_jagge@email.msn.com](mailto:c_jagge@email.msn.com) or P.O. Box 8064, College Station, TX 77844 or 979-695-9646.

## LP's Dauben Appointed MISD School Committee

MIDLOTHIAN - Joey Dauben has been appointed to the Midlothian Independent School District's Districtwide Education Improvement Committee, a group that recommends educational changes to the school board.

Dauben, who graduated from Midlothian High School two years ago, lost a May 2003 school board race by 19 votes; it was his second school board campaign in as many years. In 2002, a year after he graduated, he received four percent of the votes in a three-way race, making him the second-youngest person to run in MISD.

"What better way to help improve education than to appoint someone who has first-hand experience," said Dauben, now 22. "Right after the election results, I told the district I wanted my name put on any and all committee membership lists for consideration," Joey said.

"The education improvement committee, by far, is something I can easily make a difference in. I can provide a fresh perspective of what's really being taught, how it's being taught, and what our students are actually doing in

school. I learned a lot during my 14 years in MISD, but there is so much more that can be done to make education better."

Dauben, a member of both the Libertarian Party and the Republican Liberty Caucus, is a reporter for The Ellis County Press, an independent newspaper based south of Dallas. He's currently applying to attend the University of North Texas in Denton for the spring. His college plans won't interfere with the education improvement committee, he said.

The committee meets once a month to discuss methods MISD can improve education throughout the district's seven campuses. Midlothian is about 30 miles south of Dallas.

"The school board campaign really opened doors for me, as far as leadership and community roles go," Dauben said. "It rocks."

Joey can be contacted at [Joeydauben@hotmail.com](mailto:Joeydauben@hotmail.com) or visit his website at <http://www.joeydauben.com>.