

The Tarheel Libertarian

News for, by & about North Carolina Libertarians.



May/June 2006

The State Convention and Onward

Phil Jacobson
LPNC Chair

Our LPNC state convention, held in Burlington May 5-7, was a clear success. While attendance was light, we did a lot of party business, raised a lot of much needed funds, and all in a surprisingly cordial atmosphere. It was a good beginning for what I hope will be a good year, maybe even a good decade.

We must be give some credit for the convention's success to the convention committee, which included Susan Hogarth, Barbara Howe, and Beverly Wilcox. This is the same team who put together last year's successful convention. It really shows what can happen when an experienced group does a project like this. We would do well to learn from the example and strive to establish and maintain institutional memory for the rest of our activities.

Credit must also be given to the delegates themselves. Many of us went into this convention with a great deal of concern. The party endured much strife over the last last year. For those of you who follow the party e-mail lists, especially the LPNC and EC Yahoo Groups lists, I can report that none of the bitterness that had characterized those lists surfaced at the convention. Individuals spoke calmly and to the point. Debate was entirely civil. It seemed that everyone actually had a good time!

While there was the usual socializing and informative speakers, I will concentrate this report on business, for one of my themes as LPNC Chair will be "more like a business, less

like a social club." Not that I want to drown out the social part with an "all business" attitude, but we have a lot of work to do. . . .



This year's convention heard recommended changes from the Platform Committee. The committee recommended one change to the platform, replacing the language of selective service plank. This passed with only a little discussion.

The committee also presented a proposal to amend the Statement of Principles. As has been the case in the past, this failed to achieve the very challenging 7/8ths majority vote required by our Bylaws (although it didn't miss by much). A motion was made at the convention to lower that 7/8ths requirement, but after lengthy debate the motion was referred to the next Bylaws committee. That committee will be appointed soon, in expectation of several ideas that are already under discussion. If you are interested in participating on the Bylaws and Constitution Committee that will present its recommendations to next year's convention, please contact me at <chair@lpnc.org>.

Delegates offered several resolutions, but only one of them passed. It addressed the fact that "the majority of seats in the North Carolina General Assembly will have only one candidate on the ballot in November."

Some of the tension of the last year was
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generated by concerns over the direction of the party, especially concerning our finances. In an effort to air out some of the concerns of party members, we tried out a new idea at this convention: a non-binding opinion poll of the delegates regarding state party priorities.

The poll choices were

- fund ballot access petitioning to accomplish ballot access in 2006-2007
- fund ballot access lawsuit
- fund outreach and activism - advertising, fairs, publications, etc.
- fund Libertarian candidates

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- other (the delegate could indicate his choice)

Each delegate was able to cast up to ten votes, which could be allocated to any one choice or spread across several choices.

Prior to the poll deadline, speakers representing the priority options presented their positions in a panel discussion, which was followed by an “open-mike” period (actually we didn't use the amplifier system). The two main priority concerns were the funding of paid ballot access petitioners and the funding of the ballot access lawsuit. This was reflected by the poll results. Most of the votes cast went to these two choices. But while each clearly had strong support amongst the delegates, paid petitioning got a solid majority of support.

One of the priority choices listed on the poll was lobbying with legislators, which was addressed by Eric Smith, chair of our Legislative Agenda Committee. Since it does not involve significant spending, it did not get many votes in the poll. But this is misleading. What Eric seeks is to involve party members in the process of lobbying – especially for ballot access reform, which is even now being considered in the NC legislature. Eric's comments were well received. This committee will need the volunteer labor of party members: writing letters to legislators, calling their offices, lobbying in Raleigh. Eric's leadership is beginning to get results. For those of you who have not followed this committee's work, I urge you to check it out and consider adding your own labor.

Another area where labor counts, often even more than dollars, is in the work of ballot access petitioning. Ballot Access Director Bob Ritchie spoke to this topic, outlining the plan of our Ballot Access Petitioning Committee. Bob can use your help in the

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One Small Victory; More to Come

In early May, the LPNC won an important victory in its lawsuit against our state's extreme ballot access barriers. Judge Orlando Hudson signed an order denying the state's motion to dismiss our lawsuit. This is excellent news!

Now we move on to the real heart of our case. All of the preliminary motions are out of the way and we can have our case heard in NC Superior Court.

This means the state will have to explain to the judge precisely why they have set the ballot access barriers so high in North Carolina. It also means we get the opportunity to present all of our evidence in court and put the arguments of both sides into the official judicial record.

Our attorney, Michael Crowell, has briefed us on the next step. We will need to discuss with the NC Attorney General's office how much is needed in the way of discovery and set a schedule of future hearings. Our goal is to get a Superior Court ruling in time for the elections coming up this November. Fortunately, the goodwill we have developed over the years with the State Board of Elections and the Attorney General's office is now paying off, and they are fairly cooperative in setting these schedules to meet our needs.

Although this victory is procedural, its importance cannot be underestimated. According to Richard Winger of Ballot Access News, no one has won a ruling below the state Supreme Court level in any similar ballot access lawsuit since 1982. This victory means we get to argue our case on our terms and gives us the momentum going to the next level.

Our lawsuit is unlike any similar suit that has been brought before. Our challenge to the state is not just that their ballot access restrictions are unfair. We are alleging that these restrictions are part of an entire scheme of election law which favors Democrats and Republicans over anyone who does not want to be part of those two parties. Many have fought against ballot access laws before and lost, but we are the first to try to show that these oppressive laws are part of a broader scheme to prevent the equal participation of all voters in our elections.

You can help make victory happen at the next level too. Send a contribution to LPNC Lawsuit, P O Box 28141, Raleigh, 27611-8141. Or go to the web site at www.lpnc.org to contribute.

Sean Haugh

Executive Committee Endorses Open Elections Coalition

In an electronic vote, the LPNC Executive Committee voted to endorse the Open Elections Coalition. The Coalition is a partnership of political parties and election-reform groups working to ease North Carolina's ballot access restrictions and increase citizen access to government. Endorsing organizations include:

Libertarian Party of North Carolina

NC Green Party

Triangle Area Green Party

Charlotte Area Green Party

Mountain Green Party

Greenville Green Party

NC Constitution Party

Common Cause North Carolina

Democracy North Carolina

NC Public Interest Research Group (NCPiRG)

Raleigh ACORN

Students for Progressive Action in the Triangle

(SPAT)

Sign the online petition at

www.petitiononline.com/ncopec/petition/html

Keep up to date on LPNC
events and information at

www.lpnc.org

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petitioning process itself. He has also initiated a program wherein local LPNC members can be paid (at a lower rate than the professional petitioners we might otherwise need to bring in from out of state, feed and house) for gathering signatures. Participate in this and you could actually get money for helping out!

Yet another way a member can help either the petitioning process or the lawsuit, at no cost in money, is by doing fundraising - motivating others to give their money. One change coming out of the convention was the return to the position of Membership Secretary by Richard Norman. Richard has an especially difficult challenge in developing our membership database and the related issue of establishing a viable dues-paying-membership program. In the past we had been relying extensively on the national party (LPUSA) to organize membership, membership records, and the collection and distribution of dues to the state level parties.

A challenge it is, but Richard is also taking it as an opportunity. In many "non-profit" organizations, the notion of fundraising is called "development," and is strongly linked with managing membership lists. Indeed, a "development director" is often in a similar position to what we call "Membership Secretary." Richard is taking this to heart and working on ways to coordinate fundraising with the rebuilding of our member database. He will be working with Treasurer Alex Vuchnich on methods to track the flow of dedicated funds which our members will be raising. If you have any experience in fundraising, such as phone solicitation, or would like to get some experience with such fundraising by helping LPNC, please contact Richard. This is especially important if you would like to focus your fundraising on a specific need, such as the lawsuit or the paid petitioners. It is also important if you would like to focus on appealing to a specific group, such as people who live near you. Again, please contact Richard.

Richard's return was not the only change to the Executive Committee (EC). Resignations had hit the EC hard, and we actually had to elect over half of the members at the convention. Normally EC members serve two-year terms, so these elections

were for the remaining half of the terms affected. The list begins with myself, since I went into the convention having been appointed as Chair by the EC (I was then an at-large member) to fill the vacancy created by former Chair Thomas Hill's resignation. (And I thank the delegates for expressing their confidence in me.) The other new EC members elected are as follows.

Our Newsletter Editor is now Barbara Howe, who brings plenty of institutional memory to that position, not only as a former Newsletter Editor, but as former Chair, former candidate for Senator and Governor, and so much more I can't remember it all.

Susan Hogarth is now Outreach Director. While this is Susan's first time in this position, she has served on the EC as Newsletter Editor and briefly as Membership Secretary. This is fortunate since the Outreach Director position had been inactive for most of last year, giving us no continuity.

As I already mentioned, Richard Norman returns as Membership Secretary.

The position of Political Director had also been totally inactive for much of last year. It is now held by Eric Smith. Eric's experience as an at-large member of the EC and as a candidate for office will serve us well.

Tom Howe is our new Press Secretary. While he has not held this position before, he has been in various positions on the EC during his many years of service to LPNC. And since the previous Press Secretary (Brian Irving) kept working right up to the convention itself, there is no lack of continuity.

New to the EC are three at-large members elected at the convention. They are Stephen Burr, Joy Elliott, and Robert Sinott. They have all been active party members at the local level and should make fine additions to the EC. With all the experienced members surrounding them, they should have little trouble becoming part of our institutional memory bank.

Our current EC is a strong group with additional continuity provided by Vice-Chair Lee Wrights, Treasurer Alex Vuchnich, Recording Secretary Beverly Wilcox, Ballot Access Director Bob Ritchie, Webmaster Elise Gallivan, and at-large member

Rick Pasotto - all of whom were elected last year.

The “new” EC, the party as a whole, will continue to be challenged - primarily by financial concerns, but also by the raw fact of being off the ballot in North Carolina. While Libertarians can run as candidates in non-partisan elections just as before, a big part of the ballot is now closed to Libertarians running as Libertarians. To be honest, this is causing us to lose some party members, at least until ballot access and voter registration as Libertarian is regained. Other members are discouraged. Some will explore the fact that a member of LPNC can remain a member yet register to vote under another party banner.

There other “partisan” strategies. I leave the topic of the convention completely to touch on them.

We have and can pursue the goal of changing public policy as lobbyists on the full spectrum of arenas open for this work. Letters to the editor, speaking engagements, critical appraisals of “major party” candidates - lobbying with single issue allies various lawmakers on state, local and national level issues - getting appointed to citizen review boards - all of this is available to us as a political group or as politically active individuals.

And here's another response to the State of North Carolina's official discouragement of non-demopublicans. We can join with non-libertarians to fight for full recognition as a political party - as a right - not as a “privilege” or something “earned” or something given after “passing a test” - but as a fundamental right, derived at the very least from the right of association found in the first amendment to the US Constitution.

While we can, and we should, do this as Libertarians (even as libertarians), we need to do it primarily as citizens of (what should be) a free nation. That means going beyond thinking primarily about how nice ballot access will be for Libertarians, to thinking about how it would be good for anyone who wants to form a political party and run candidates. We need to make the citizens of North Carolina (or at least a significant number of them) see that this right belongs to all of them, even if they agree with us on nothing else.

Our lawsuit has put us in touch with another group of North Carolina citizens who want to be

recognized as a political party, the Greens. The NC Greens are the largest group aside from ourselves with this ambition, though there are other even smaller parties. Former LPNC Executive Director Sean Haugh has been working on an alliance with them on this subject. They have joined our lawsuit. As a result I am in communication with their leadership and will begin exploring ways of developing a movement of North Carolina citizens whose political opinions vary considerably, but who all share an outrage regarding our current ballot access laws. This would be a movement which can command far more respect from NC citizens than

“Being off the ballot is a challenge to be sure, but it can be an opportunity to develop a political base as activists.”

would be possible by any single “outsider” party. Given sufficient influence with voters such an alliance would motivate NC legislators. Such a movement could also become a new vehicle for fundraising.

In addition to common ground with the Greens and others with respect to the issue of ballot access, there will be common ground on other aspects of election law - not all of it, but enough to provide fodder for a great many single issue coalitions. By the time LPNC is back on the ballot, our candidates could thus have pre-positioned wide-ranging name recognition with the general voting public - if we exploit the opportunity to build these coalitions.

The experience, if we use it well, should actually add to our candidates’ electability. Too often a Libertarian candidate comes basically out of the woodwork, spouting high theory. Potential voters know nothing about the candidate's real involvement with real issues - all too often because there is none. We have no “presence” in the community prior to the election, and we go back to being invisible after the election. Partisan activism needs to be a year-round thing if candidates are going to pull themselves up by their bootstraps, as our candidates must do. Being off the ballot is a challenge to be sure, but it can be an opportunity to develop a political base as activists. Many of these opportunities are still in the future.

Political Competition: The Good, The Bad

Michael Munger

Chair, Department of Political Science, Duke University

There is good political competition and bad political competition. The fundamental human problem is to foster the good and block the bad. So, as I argued in my Presidential address to the Public Choice Society in 1988, the fundamental human problem comes down to the design and maintenance of institutions that make self-interested individual action not inconsistent with the welfare of the community.

One example of a set of institutions that accomplish that reconciliation of selfish individuals and group welfare is the market, Adam Smith's "invisible hand." We still can't accurately predict the exact circumstances or times when markets might work as he described, but it is definitely not always true that self-interest leads to the welfare of the community, even in market-like settings. Nonetheless, by and large we know that competition in markets serves the public interest.. The question is this: under what circumstances is competition good in *politics*?

Good political competition is where ambition checks, or at least balances, opposing ambition. When President Bush tried to push through the Dubai Ports World deal, some senators and representatives objected on the merits. But even more objected on the grounds that the president was usurping congressional authority. Our political rules have to create situations in which politicians' ambitions are opposed, in which attempts by one group or person to grab all power are always frustrated.

Bad political competition is what public choice theorists call rent seeking. In my classes, I ask students to imagine an experiment that I call a "George Mason lottery." The lottery works as follows: I offer to auction off \$100 to the

student who bids the most. The catch is that each bidder must put the bid money in an envelope, and I keep all of the bid money no matter who wins. So if you put \$30 in an envelope and somebody else puts \$31, you lose the prize and your bid. When I play that game I sometimes collect as much as \$150. Rent-seeking competitions can be quite profitable. In politics, people can make money by running rent-seeking competitions. And they do.

What are all those buildings along K Street? They are nothing more than bids in the political version of a George Mason lottery. The cost of maintaining a D.C. office with a staff and lights and lobbying professionals is the offer to politicians. If someone else bids more and the firm doesn't get that tax provision or defense bid or road system contract, it doesn't get its bid back. The money is gone. It is thrown into the maw of bad political competition.

Who benefits from that system? Is it the contractors, all those companies and organizations with offices on K Street? Not really. Playing a rent-seeking game like that means those firms spend just about all they expect to win. It is true that some firms get large contracts and big checks, but they would be better off overall if they could avoid playing the game to begin with.

My students ask why anyone would play this sort of game. The answer is that the rules of our political system have created that destructive kind of political competition. When so much government money is available to the highest bidder, playing that lottery begins to look very enticing. The Republican Congress has, to say the least, failed to stem the rising tide of

spending on domestic pork-barrel projects. Political competition run amok has increased spending nearly across the board.

In a perfectly functioning market system, competition rewards low price and high quality. Such optimal functioning requires either large numbers of producers or low-cost entry and exit. Suppose that Coke and Pepsi not only had all the shelf space for drinks, but asked in addition if they could make their own rules outlawing the sale of any other drink unless the seller collected 100,000 signatures on a petition to be allowed to sell cola. The Federal Trade Commission would not look favorably on the request, or the industry.

But in our political system, we have an industry dominated by two firms. Republicans and Democrats hold 99 percent of the market share and have undertaken actions at the state and national levels to make it practically impossible for any other party to enter. How did we come to have such a system, with outside competition for office nearly closed off, but with inside competition for access to the public purse organized as a kind of expensive ritual combat, where Congress keeps all the bids?

I believe that the perverse competition in the political system is a direct consequence of the so-called progressive reforms. First, reformers systematically hamstrung the ability of political parties to raise funds independent of individual cults of personality. Parties are actually necessary intermediaries. They solve what my colleague John Aldridge calls the collective action and collective choice problems by giving voters a shorthand by which to identify and support candidates whose opinions they share. Campaign finance reform cut out soft money, thus weakening parties' ability to support new candidates, but doubled hard money limits to members of Congress.

Second, progressive campaign finance reform surrounds incumbents with a nearly impenetrable force field of protection. Any

equal spending rule or equal contribution rule benefits incumbents, who can live off free media and other publicity. Any rule that restricts contributions or makes them more expensive, such as reporting requirements for contributions, benefits those with intense preferences and deep pockets. So restrictions on contributions ensure that only the most hard-core competitors – those along K Street – participate in the political bidding wars.

The hidden problem is that politics actually abhors a vacuum. If real grass-roots parties are denied the soft money they need to mobilize people and solve the problem of collective action and collective choice, organized interests will fill that vacuum. Because no individual can influence government, stripping away intermediary organizations of individuals makes the remaining organized groups more powerful.

The problem is not our inability to reform. The problem is precisely the extent to which we have reformed the system. Our reforms killed healthy political competition at the citizen level. And now all real political competition takes place in the offices on K Street. That's the kind of political competition that is antithetical to the interests of the community. Competition isn't always good. In fact, government control of competition is almost always bad.

Convention a Success

The 2006 convention held in Burlington was a great success. Delegates accomplished their business of making platform changes, enjoyed informative addresses from Mike Munger, Jim Lark, Cathy Heath and John Hopkins from Stop NC Annexation, and Richard Neal from Separation of School and State Alliance, and enjoyed the camaraderie of fellow Libertarians.

Fundraising was also a great success. Through our lively banquet auction and other fundraising activities, the convention raised more than \$7,000.00. Thanks to everyone who made the convention a great success.

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Next EC meeting

Sunday, June 25

11:00 a. m.

Lone Star Steakhouse

3025 High Point Rd.

Greensboro

All Libertarians are welcome
to attend.