

To: MR. BRIAN LAMB
C-SPAN NETWORKS
400 N. CAPITOL STREET, N.W.
SUITE 650
WASHINGTON, D.C. 20001

September 17, 1991

004240 SEP 24 91

Dear Brian,

Greetings from Kansas - we love C-Span here! I felt I should write to you about the imminent danger posed by the 1991 Crime Bill. My type is ANSWER - HAS already written, so I am enclosing a copy of the letter I recently sent to Lew Ketcham. The articles enclosed are all the accompanying articles and a copy of Doug Merritt's excellent analysis of the Crime Bill. Mr. Merritt is willing to be interviewed, and his background and phone number are given in the letter to Lew.

Please read the enclosed materials. We have had some conservatives and liberals attend Crime Bill study sessions at our Libertarian supper meetings, and they are as alarmed as we are. Any coverage of the police state character of the bill will be appreciated.

In liberty,

[REDACTED]
LAWRENCE, KANSAS 66044

To: MR. BRIAN LAMB
C-SPAN NETWORKS
400 N. CAPITOL STREET, N.W.
SUITE 650
WASHINGTON, D.C. 20001

September 17, 1991

004240 SEP 24 91

Dear Brian,

Greetings from Kansas - we love C-Span here! I felt I needed to write to you about the imminent danger posed by the 1991 Crime Bill. My typewriter is down, so I am enclosing a copy of a letter I recently sent to Lew Ketcham. Also enclosed are all the accompanying articles and a copy of Doug Merritt's excellent analysis of the Crime Bill. Mr. Merritt is willing to be interviewed, and his background and phone number are given in the letter to Lew.

Please read the enclosed materials. We have had some conservatives and liberals attend Crime Bill study sessions at our Libertarian supper meetings, and they are as alarmed as we are. Any coverage of the police state character of the bill will be appreciated.

In liberty,

[REDACTED]
LAWRENCE, KANSAS 66044

September 13, 1991
Lawrence, Kansas

Mr. Lew Ketcham
C-Span Networks
400 N. Capitol Street, N.W.
Suite 650
Washington, D.C. 20001

Dear Lew,

Greetings from Kansas, home of the world's largest ball of twine, the world's largest hand-dug well, the world's largest prairie dog, the world's largest steam shovel, and the world's largest outdoor free swimming pool. Take that, Texas! Like Brian Lamb, it seems like you have been part of the family for some time- I just didn't know about your Kansas roots. I enjoyed the call-in show you hosted yesterday on the Thomas hearings (libertarians see natural law as the source of our basic rights).

The 1991 Crime Bill never appeared in the CR daily reports, but it can be found in the bound volumes of the Congressional Record (a few pages on July 11, but nearly all of it on July 15). You can read it for yourself. Enclosed is a 1-page of notes I took that give section numbers and page numbers (in the Congressional Record) of dangerous elements. Also enclosed is a 20-page analysis of the bill that was prepared by Douglas Merritt of Atchison, Ks., who is perhaps the most distinguished and universally respected Libertarian in Kansas, a lawyer, a former Mayor of Atchison, former Libertarian candidate for U.S. Senate in Kansas, former Kansas Libertarian Party state Chairman, and an articulate spokesman (he has appeared twice on "MacNeil-Lehrer News" and will soon be making his third appearance on that show). His phone number is [REDACTED], and he would be willing to do a telephone interview. The Merritt analysis covers some items that are different from those on the 1-page list. The Merritt analysis has a very accessible format: (1) relevant quotation from the bill (2) a summary of that section in plain english (3) a list of points of criticism. This analysis has taken on a life of its own. Without any efforts on Merritt's part, his analysis has now been placed in the hands of over 1000 interested and influential individuals, including every member of the U.S. House of Representatives. I urge you to take a close look at the analysis.

The war on drugs is actually a war on the Bill of Rights. Drugs are being used as a pretext for the imposition of statist order now, just as the Jews were used as a pretext in Germany in the 1930's. Enclosed you will find articles that mention the outright attack on the 4th Amendment. I urge you to go back and look at the panel on the Bill of Rights that was aired by C-Span at the Libertarian convention in Chicago. All of the panelists were excellent, especially Red Beckman who spoke about the Fully Informed Jury Amendment (FIJA). It seeks a constitutional amendment requiring all judges to inform all juries that they have not only the right, but the duty, under the Constitution, to judge not only the defendant, but also to judge the fairness of the law, and to find the defendant innocent if they think the law is wrong. Beckman pointed out that it was juries that led to the repeal of Prohibition by simply refusing to convict individuals for alcohol sale and possession. It has been pointed out time and again that only 1% of deaths from drug use come from illegal drug use, the other 99% resulting from use of alcohol and tobacco. There has never been a documented death caused by use of marijuana. Yet it has been proven that marijuana has dramatic medicinal value for sufferers of glaucoma, cancer, aids, and epilepsy, to name a few. The government prefers to withhold this cheap, non-toxic medicine from suffering humanity- this tyranny exposes the true face of government and demands an

From: [REDACTED]
To: Lew Ketcham

Page 2
9/13/91

an appropriate response from oppressed citizens. Libertarians believe that the core of all these problems is government itself. What brand of cynicism and sadism does it take to not only withhold valuable medicine from suffering humanity, but to make that medicine illegal and persecute those who attempt to obtain and use it. I have enclosed the 1989 Libertarian Party platform and the latest version of the Nolan Chart. Also enclosed is a copy of a Kansas City Star editorial criticising (albeit mildly) the 1991 Crime Bill.

I should point out that Mr. Merritt only included those elements of the bill in his analysis that he felt he had a firm grip on. In addition to those items contained in the 1-page list and in Merritt's analysis, there are a great many other dangerous, or potentially dangerous, elements in the bill. The bill contains the apparatus for a police state, as if current widespread abuse of the Bill of Rights were not enough.

One thread that we have noticed running through a number of sections is the creation of a special, elevated status for police officers in this bill. This factor will certainly distract attention away from any skepticism that one might hope to see expressed by the more thoughtful and responsible members of the police professions. On C-Span, I saw the recent address by Pres. Bush to the Fraternal Order of Police convention. At the end of the speech, as Bush was receiving a standing ovation, the microphone made audible a side comment of Atty. General Thornburg to Bush, "There's our eighty per cent." Bush nodded and shot a smile back at Thornburg. I would point out that a common assumption is that it takes the support of at least 80% of the police in any country to implement a police state and maintain it. The truly insidious and cynical aspect of this is the modern techniques, including television, being used to market the coming police state to the American people, and the people are responding and asking for more (more drug testing, mandatory sentences for drug convictions, 51 new capital crimes in the Crime Bill, efforts to force children to go to public school (what Libertarians call "Government School") 12 months out of the year, ever increasing taxes that force more and more people to beg for government benefits, EEOC persecution of small businesses (these gutless cowards rarely attack a powerful corporation- they prefer small, struggling companies like the Daniel Lamp Co. in Chicago), people in their cars being stopped right and left by police with no probable cause & searching cars with no search warrant (both are clear violations of the 4th Amendment- if you doubt me, get out your copy of the Bill of Rights and read the 4th), and the list could go on ad nauseum. The police are using driver's license checks, auto registration checks, drunk driver checks, and auto equipment checks as a condition device to prepare citizens for ever stricter manipulation by the state. I have been stopped by police here in Lawrence for no reason whatever.

The 1991 Crime Bill is 60 pages of hell for the American people! Simply eliminating a few provisions will not prevent a tidal wave of oppression from ensuing from the bill's passage. Every line of the bill should be placed under a microscope and receive widespread examination and debate.

The heads of large corporations and government policy makers view the American people (those outside their elite group) as cattle, or even something less animate than that. If you don't believe me, I have enclosed an article on education that demonstrates the attitude of dehumanisation large corporations have toward students. All these people care about is having a healthy, passive, productive, robot-like work force. The Libertarian Party supports the free pursuit of business opportunities, but the party opposes special interest legislation and regulatory schemes that give large corporations and other large organized power blocks an advantage over individuals. I have no concern for "society", because it doesn't exist. Only individuals exist. "Society" is just an abstraction. I care about the rights of individuals.

From: [REDACTED]
To: Lew Ketcham

Page 3
9/13/91

I appreciate your comment that the 1991 Crime Bill as an issue might be more appropriately a legislative issue than a courts issue for C-Span. But we have a situation with this bill in which the entire Bill of Rights is in danger of being effectively nullified. The new Chair of the ACLU, who was a panelist in the Bill of Rights panel at the LP convention, stated that "probable cause" as a tool to defend one's rights has been so weakened as to be virtually nonexistent. After the President and Congress declare war on the Bill of Rights, the last line of defense may be the courts and juries.

I was a good student- a National Merit Scholarship Commendation winner in high school, on the Dean's List my senior year at K.U., and recipient of both undergraduate and graduate student awards. I consider myself to be a level-headed, practical, pragmatic guy who has worked on a farm, in factories, washing dishes, driving a cab, as a professional musician, as a salesman, and in management in entrepreneurial small business. I don't use illegal drugs; I don't even drink alcohol. I read, watch C-Span, and think. I am worried for myself and for my countrymen. In 1800, Thomas Jefferson wrote, "I have sworn upon the alter of God eternal hostility against every form of tyranny over the mind of man." That is a hard oath to take, and to live by, but I am trying. All I ask is that you give some consideration to the concerns that I have expressed in this letter. Any coverage that C-Span can give to problems with the 1991 Crime Bill will be sincerely appreciated.

After being familiar with the fine job you have been doing at C-Span for a long time, it was a pleasure to talk with you on the phone and discover your Kansas roots. I wish you the best of luck in your endeavors, and I can't think of a more important job than the one you are doing at C-Span.

Sincerely,

[REDACTED]
Kansas Libertarian Party

[REDACTED]
Lawrence, Kansas 66044

[REDACTED] (home phone- yop can call
24 hrs. a day- I have an
answering machine)

Residents pepper Slattery with town meeting queries

By DEB GRUVER
J-W Staff Writer

The Manuel Noriega trial will result in an "enormous embarrassment" for the U.S. government, U.S. Rep. Jim Slattery, D-Kan., told a small group of Lawrence residents Saturday during a town meeting.

Slattery said Americans have a right to know the truth about the Iran-Contra affair and the Bank of Credit and Commerce International scandal. Congressional hearings start next week about BCCI, Slattery said.

"The CIA failed to reveal what they knew about BCCI," Slattery said. "I don't think we should let up until we find out the truth."

Slattery's comments came as he was questioned by about 10 people at the Lawrence-Douglas County Senior Center.

After giving a brief presentation about Congressional activities, Slattery opened the meeting to questions, which ranged from the 1991 Crime Bill and aid to El Salvador to abortion and funding for the National Endowment for the Arts.

REGARDING the crime bill, Slattery said he hoped the measure would be improved and that those "parts offensive to the Fourth Amendment" would be reconsidered. The Fourth Amendment's sole purpose, he said, is to protect citizens from unnecessary searches by the government.

Asked whether the United States should continue aid to El Salvador, Slattery said Congress is expected to vote within the next 30 to 60 days on whether \$80 million should be spent on aid to the Central American country. He said the nation's involvement in El Salvador is unclear.

"I don't think this administration knows what we're doing down there," Slattery said, ad-



(Staff photo by Richard Gwin)

U.S. Rep. Jim Slattery, D-Kan., listens to a question during a town meeting Saturday at the Lawrence-Douglas County Senior Center. The 10 people who attended the meeting questioned the congressman about a wide range of topics.

ding that he knows "the last thing that (Salvadoran) government needs is more guns."

Regarding NEA funding, Slattery said he believes there are some projects that shouldn't be funded by taxpayers' money. That doesn't mean that those projects should be thwarted, Slattery said. It just means they shouldn't be funded by the NEA.

ASKED ABOUT his stance on abortion, Slattery said he would like to see the government "get out of the abortion business."

Slattery said he is morally opposed to abortion but doesn't support overturning *Roe vs. Wade* because the government shouldn't have a hand in people's bedrooms.

OPINION

C-6

THE KANSAS CITY STAR

Vol. 111, Wednesday, August 21, 1991, No. 338

A Capital Cities/ABC, Inc., Newspaper

JAMES H. HALE
Publisher and Chairman of the Board

WESLEY R. TURNER
Executive Vice President

JOE MCGUFF
Vice President and Editor

R. SCOTT WHITESIDE
Vice President, New Product Development

RALPH W. ROWE, JR.
Vice President, Advertising

ROBERT C. WOODWORTH
President and General Manager

GEORGE R. BURG
Assistant to the Publisher
and Associate Editor

JAMES W. SCOTT
Vice President and Editor, Editorial Page

JAMES L. PAYNE
Vice President, Finance

DELL CAMPBELL
Vice President, Circulation

(Copyright, The Kansas City Star Co., 1991)

Fix the crime bill

The anti-crime bill passed by the Senate does not abolish nearly as many criminal defendant rights as the Bush administration sought. It is now up to the House to weed out the remaining defects.

The measure has some good provisions. It would establish a five-day waiting period and background check for handgun purchases (the Brady bill); restrict manufacture and sale of 14 models of domestic assault weapons; increase federal aid for an additional 10,000 local and state law enforcement officers; establish 10 regional prisons for treatment of state and federal drug-addicted inmates and set up new crime prevention programs.

There are at least two flaws. One provision would drastically limit prisoners' rights to a habeas corpus proceeding. That is what many death row prisoners use to challenge the constitutionality of their state court convictions.

The other is expansion of the death penalty. This is not needed.

Treatment of the exclusionary rule is wrong. The Senate language would allow evidence to be admitted at trial even if police use what is later found to be an invalid warrant.

That restates current law, including a 1984 Supreme Court decision that held a search was valid if conducted with reasonable reliance on a warrant, even though it was deficient. It erodes fundamental Fourth Amendment protections against illegal search and seizure.

The House, which has passed only Brady bill provisions, can eliminate the death penalty expansion and develop better protections on search and seizure. Anti-crime laws can be effective without jeopardizing basic rights.

Law victimizes innocent people

PITTSBURGH (AP) — A federal law designed to give police the right to seize the luxurious possessions of major drug dealers has ensnared the homes, cars and cash of law-abiding people, a newspaper reported today.

The Pittsburgh Press said it documented 510 cases involving innocent people — or those possessing a very small amount of drugs — who lost their possessions during a 10-month period.

One of them was Willie Jones of Nashville, Tenn.

The gardening contractor bundled up \$9,600 from last year's profits in February and headed for Houston to buy flowers and shrubs. He makes the trip twice a year.

As he waited at an airport gate, two police officers who searched him seized his money. They believed he was buying or selling drugs, the newspaper reported.

THE POLICE let Jones go, gave him a receipt and kept his money.

No evidence of wrongdoing was produced, and no charges were filed. The money was never returned, The Press reported.

Eight of 10 people who lose property to the federal government are never charged, said Cary Copeland, executive director of the Justice Department's asset forfeiture fund.

Forfeiture laws were expanded in 1984 to allow the government to take possessions without first charging the owner. The proceeds finance more investigations.

Eliminating the need to pro-

ve a crime has moved most action to civil court, where the government accuses the item, not the owner, of being tainted by crime.

As a result, "jury trials can be refused; illegal searches condoned; rules of evidence ignored," said Donald Heavrin, a defense lawyer.

BUT George Terwilliger III, who is in charge of the Justice Department's forfeiture program, said forfeitures fight crime and "We're not at all apologetic about the fact that we do benefit from it."

From 1986 to 1990, the Justice Department got \$1.5 billion from forfeitures. It estimates it will take in \$500 million this year.

Federal agencies say they've made the most of the law in getting big-time criminals. They boast of seizing mansions, planes and millions in cash.

But the DEA's own database showed that big-ticket items were only 17 percent of 25,297 things seized during the 18 months that ended in December, the newspaper reported.

FOR EXAMPLE, in April 1989 deputies in Jefferson Davis Parish, La., seized \$23,000 in cash and a truck belonging Johnny Sotello, saying a space in the truck could have been used to hide drugs.

Sotello said he was carrying the cash because he was on his way to an auction. He never was charged.

In a deal cut in March he got his truck back and only half his money, the newspaper reported.

Group meets to set school goals

By BRAD ADDINGTON
J-W Staff Writer

About 40 local educators, businessmen and government officials began a two-day retreat this morning to establish some guidelines for what skills students should acquire while attending the Lawrence school district.

"The major purpose of this retreat is to develop a preliminary draft of 'exit outcomes,' which . . . explain what we want our students to know, to be able to do and to be like when they leave the Lawrence Public Schools," Lawrence School Supt. Dan Neuenswander wrote in a letter to the people invited to the retreat, which is taking place at the Lawrence Holidome.

Lawrence school board members, district administrators and Lawrence teachers are participating in the goal-setting session, as are Lawrence Mayor Bob Walters, Douglas County Commissioner Mark Buhler and Kansas Rep. Sandy Praeger, R-Lawrence.

ED MEYEN, education dean at Kansas University, is another member of the group, which also includes several representatives of the Lawrence business

community.

This is not the first time the district has gathered a broad-based group to discuss how the district should be preparing students. In 1984, about 55 district patrons worked with the Lawrence school board to develop goals for the district.

"It is time for us to again take a careful look at the world that our students will face, and review our goals for currency and clarity," Neuenswander said in the letter.

Speaking to retreat participants this morning, Neuenswander said it will be important for the district to be able to determine whether it is meeting the goals. He said the district already has assessment tools in place that indicate how the district is performing.

FOR EXAMPLE, in 1984-85, 64 percent of Lawrence second-graders passed the state minimum competency test in math. In 1988-89, 100 percent of Lawrence second-graders passed the minimum competency test.

"We're not here to whine and say we're not getting anything done," Neuenswander said. However, he said, it is still important to determine "what it is we

want from our kids."

K Jenkins, executive consultant with the IBM Corp., is serving as moderator for the goal-setting session.

Jenkins said that by applying business terminology to education, one might think of students as the product, employers as the customer and public education as the manufacturing process for developing the product.

Jenkins said it isn't enough to look only at the needs of Lawrence to establish desired student outcomes.

"You have to think of graduates and what they're going to need as they go into a worldwide competitive market," he said.

Jenkins said public schools are not necessarily doing a worse job of educating students than in the past. Rather, he said, it may be that the student product needs to be changed to meet changing expectations.

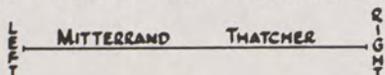
HE USED the analogy of Henry Ford, who was the king of the auto industry until General Motors offered something that he didn't: Cars in colors other than black.

The goal-setting session will continue Saturday morning, and the goals established by the group eventually will go before the school board for approval.

Beyond Left/ Right

© Copyright 1987 by Marshall Fritz

The Left/Right scale is a misleading way of comparing political systems. It doesn't measure anything. In fact, it doesn't even have tick-marks to show distance between different people or ideas:



People use the left/right approach out of habit, but it leads to confusion. For example, Fascism is often placed on the Right and Socialism on the Left. Yet Fascism is "national" socialism.

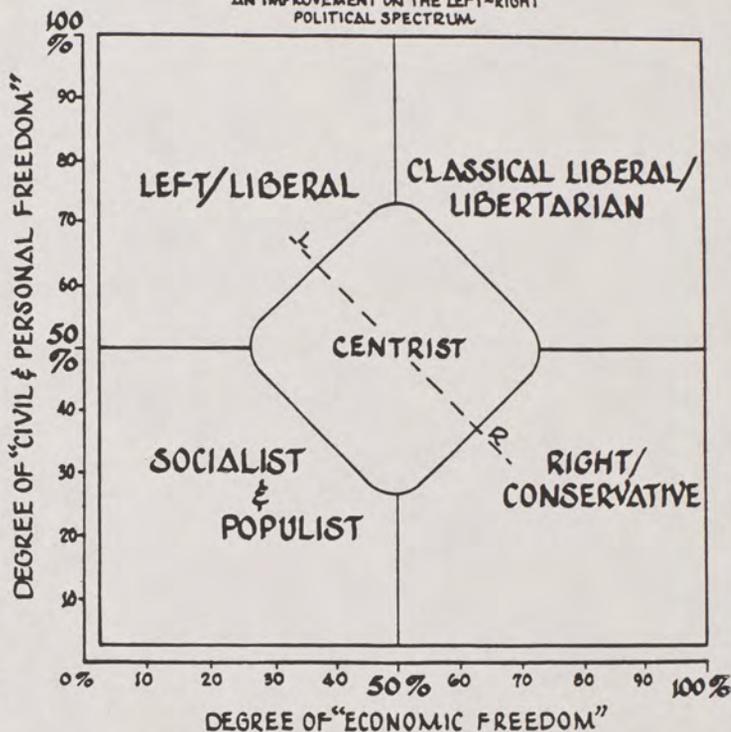
Indeed, the left/right scale is not a scale at all, just an obsolete reference to the seating arrangement of the French Assembly in the 1790'S.

In 1970, Denver advertising executive David Nolan invented a better approach. He divided human action into two categories. The "Economic" category includes what you do as a producer and consumer. These are your actions that can be described in money. Examples are earning a wage, buying a car, renting a motorhome.

The "Civil" (or personal) category includes what you do in relationships and in expressing yourself. These actions are not measured in money. Examples are the way you worship God, or don't; what books or magazines give you pleasure; your personal tradeoffs between today's fun and tomorrow's health. The Bill of Rights is aimed at your freedoms in this category.

Nolan saw how political families can be understood by the degree of individual choice they offer in these categories. You can use this improved way of mapping political thought to better understand your local, national and international political environment.

NOLAN CHART
AN IMPROVEMENT ON THE LEFT-RIGHT
POLITICAL SPECTRUM



The Nolan Chart overcomes the weaknesses of the outdated left/right political spectrum.

Left/Liberals like personal choice in civil matters and central decision-making in economics. They want government to serve the disadvantaged and promote equality. Left/liberals place high value on good intentions.

They accept diversity in social behavior but seek more equality in economics. They work with libertarians in defending civil liberties and with socialists in advancing economic central planning.

Right/Conservatives like personal choice in economics and central decision-making in civil matters. They want government to defend the community from threats to its moral fiber. Right/conservatives place high value on laws and legislation.

They accept diversity in economics but seek similarity in social behavior. They work with libertarians in defending economic freedoms and with populists in enforcing community standards in social matters.

Socialists & Populists favor central decision-making in both civil and economic matters. They believe the needs of the individual are subordinate to the needs of society. They want government to "correct wrongs." While they strongly differ on particular programs, both prefer equality in economic and personal matters.

Classical Liberals/Libertarians like personal choice in both civil and economic matters. They believe government's only purpose is to safeguard people from coercion and violence. They value individual responsibility and tolerance. Libertarians accept diversity in both social behavior and in economic situation.

Centrists favor selective governmental intervention and temporary affiliations with others. They take a strong stance on few issues, preferring the middle position in most matters. Centrists emphasize practical solutions to current public issues.



Fed up with Left/Right labels?

Use the improved political compass to test your identity. Take the **WORLD'S SMALLEST POLITICAL QUIZ**

Circle **Y** when you agree, **M** for Maybe or unsure, **N** for No.

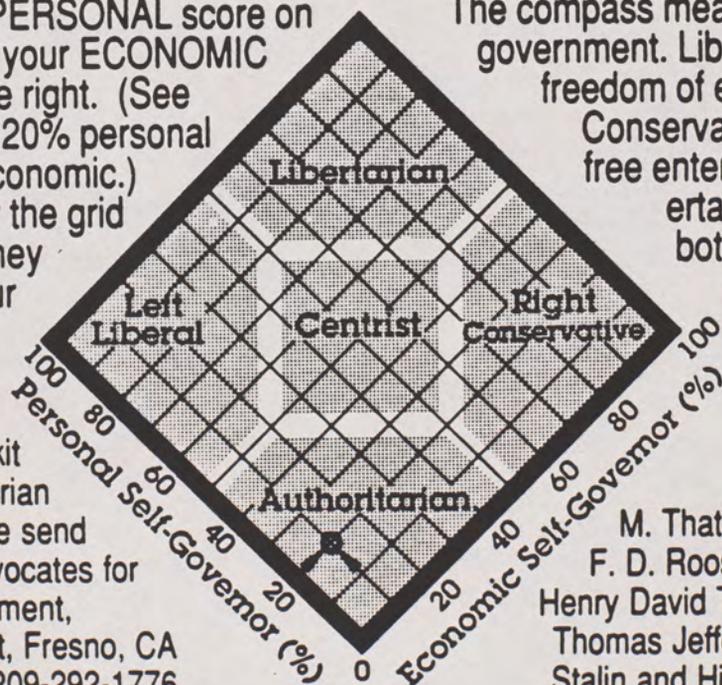
- Are you a self-governor on PERSONAL issues?** 20 10 0
- ◆ Military service should be voluntary. (No draft) Y M N
 - ◆ Govt. should *not* own or control TV or the press Y M N
 - ◆ Repeal regulations on sex by consenting adults Y M N
 - ◆ Drug laws do more harm than good. Repeal them Y M N
 - ◆ Let people immigrate and emigrate freely Y M N
- My PERSONAL self-governor score: add 20 for Y, 10 for M, 0 for No

- Are you a self-governor on ECONOMIC issues?**
- ◆ Farmers should farm without quotas or subsidies Y M N
 - ◆ People are better off with free trade than with tariffs ... Y M N
 - ◆ Minimum wage laws eliminate jobs. Repeal them Y M N
 - ◆ End taxes. Pay for services voluntarily Y M N
 - ◆ Europeans & Japanese should pay their own defense Y M N
- My ECONOMIC self-governor score: add 20 for Y, 10 for M, 0 for No

How to use the Self-Government Compass

Mark your PERSONAL score on the left and your ECONOMIC score on the right. (See example of 20% personal and 10% economic.) Then follow the grid lines until they meet at your political identity!

For an information kit about libertarian ideas, please send \$8.00 to Advocates for Self-Government, 5533 E Swift, Fresno, CA 93727 Tel: 209-292-1776.



The compass measures self-government. Liberals value freedom of expression. Conservatives value free enterprise. Libertarians value both. Authoritarians are against both.

- Examples:
- M. Thatcher (right)
 - F. D. Roosevelt (left)
 - Henry David Thoreau and Thomas Jefferson (top)
 - Stalin and Hitler (bottom)



The Associated Press

As his supporters put up a campaign banner last weekend at a Chicago hotel, Andre Marrou solicits votes for president. The Libertarian

Party, the third-largest political party in the United States, put Marrou on the top of its 1992 ticket at its nominating convention in Chicago.

Libertarian Party striving for respect more than votes

Its views are no longer ignored, members contend.

The Associated Press

CHICAGO — Society digests new ideas in three phases, Libertarian Party member Jon Kalb says. First they're ridiculed, then debated and finally accepted.

The Libertarians think they have gotten past the ridicule phase.

"I think we're in the phase where our ideas are starting to be debated, and I think people who consider our ideas with an open mind are starting to accept them," Kalb said at the party's presidential nominating convention, which continued through Sunday.

Acceptance is the most Libertarians dare hope for in 1992. They acknowledge that their presidential nominee, Andre Marrou, hardly stands a chance.

The Democrats are in disarray 14 months before the election, and President Bush looks like a shoo-in for another

term, said delegate Dottie-Lou Brokaw of Woodstock, N.Y.

"To say otherwise would be silly," she said.

But like many members of the country's third-largest political party, Brokaw was confident of winning converts next year.

The Libertarians hope to be on the ballot in every state. They say they expect to collect a lot of anti-Bush votes from people who see no significant difference between the GOP and the Democrats.

The platform of the 20-year-old Libertarian Party is radically different from those of the two main parties. Libertarians advocate personal freedom and voluntary cooperation. They oppose taxes and regulation, and they see national defense as the federal government's main function.

Several convention speakers said they favored making all drugs legal, under the Libertarian view that the government should let people make their own mistakes.

The four-day convention was attended by 453 delegates from all 50 states. Most of them were

white men in their 30s and 40s.

Gary D. McGath of Penacook, N.H., said he was splitting his time between the Libertarian convention and the World Science Fiction Convention at another Chicago hotel.

"There's a lot of overlap between the Libertarians and the sci-fi people," he said.

The Libertarian Party, founded in 1971 in Colorado, had its greatest success in the 1980 election when a ticket topped by Edward Clark received 921,000 votes.

The party's 1988 ticket, led by Ron Paul, garnered 430,000 votes, compared with 47.9 million for the Bush-Quayle ticket.

Marrou was the vice presidential candidate in 1988. In his acceptance speech Saturday, he pledged, if elected, to repeal the federal income tax and abolish the Internal Revenue Service.

Marrou, 52, a commercial real estate agent from Las Vegas, was opposed by Richard Benjamin Boddie, a motivational speaker from Huntington Beach, Calif. Marrou got 257 votes to 155 for Boddie.

We want both.

I know Jon-he's a good man.

Wrong-I dare hope for more!

Thanks alot, A.P.

The Libertarian Party Program

Adopted 03 September 1989 by the Libertarian National Committee

Preamble

The Libertarian Party wants all Americans to be able to plan their own futures. Libertarians believe that individuals, families, associations, and businesses have the right and the ability to deal with their own problems by working with other people in a peaceful and honest way. We reject the idea that the aggressive use of force, whether by criminals or government, is either a moral or practical means for achieving positive ends. Libertarians seek a world in which voluntary cooperation replaces force in human relationships. Toward that end, we offer the following ten point Program.

1. Defending Americans in America

An important reason for having the federal government is national defense. Its job is to defend Americans in America from foreign attack. The federal government should work to provide security for us at the lowest possible cost, in a way which does not undermine our domestic economic productivity or violate our civil liberties.

U. S. military spending is over \$300 billion per year. Rather than defending America, the bulk of this pays for defending other countries. People in many of those countries pay less for their own defense than American taxpayers pay to defend them.

The United States has many thousands of nuclear weapons more than needed to deter a Soviet first strike, yet we spend billions every year building more.

U. S. military intervention in Central America, Southeast Asia, and the Middle East has not made Americans more secure. In fact, Americans are less secure, because U. S. military policy has made us more enemies than friends, making all Americans targets of terrorism. American military adventurism routinely results in unnecessary bloodshed without producing positive results. The United States should rely less on military force and threats and more on negotiation and trade to establish harmonious international relationships.

The Libertarian Party proposes the following initial steps to improve the security of Americans and reduce the costs of defense:

1. Notify our allies that they must plan for their own defense needs and take responsibility for paying for them. Provide allies with a timetable for the return of American military personnel to America in order to defend America.
2. Negotiate arms reduction treaties which do not compromise our national defense.
3. Adopt a policy that Americans who travel abroad and companies which invest abroad do so at their own risk and are subject to the laws and customs of other countries while abroad. The United States will no longer use gunboat diplomacy on their behalf at taxpayers' expense.
4. Reject the "Reagan Doctrine", which engages the United States around the globe and risks the security of all Americans by increasing the possibility that the U. S. will become embroiled in a foreign civil war.

2. Federal Spending Must Be Cut

Federal spending and federal taxation are connected. We must reduce spending to reduce taxes.

Unfortunately, the United States government has expanded its operations and spending far beyond the original constitutional plan. No matter what the subject, there is some group which wants government to regulate or subsidize it, and there are always those in Congress eager to take over more power and control. But it is impossible to get something for nothing. The government produces no goods, so it can hand out favors to some people only by taking the earnings and property of others first.

In recent years the government has attempted to hide its expensive meddling by forcing private organizations and businesses to adopt certain expensive programs, rather than have the government implement them directly. These programs are no less costly nor less intrusive than if they were adopted directly by the government.

Libertarians join with the vast majority of Americans in calling for a smaller, less expensive, less meddlesome government. The following are some first steps in the process of bringing federal government spending under control:

1. Place the federal budget under a "cap" at current levels. Any increase in spending on any project must be accompanied by an equal or greater reduction in other spending.
2. Phase out spending on aid to foreign governments and international organizations such as the World Bank and the International Monetary Fund.
3. Phase out federal subsidies to all businesses such as the tobacco industry, the maritime industry, agriculture, or the military-industrial complex.

4. End federal subsidy programs to state and local governments. These programs merely take taxes out of the community and then send the money back, minus the amounts consumed by the government bureaucrats who administer them.
5. End all federally mandated programs forced on individuals, organizations, and businesses.

3. Choice in Education

Government-run public schools have failed our children. Their cost keeps rising while student performance drops. Today one out of five teen-agers can't even read at a grade school level, and colleges must teach many students how to read and write.

Poor children suffer most because they attend the worst schools. Few families can afford tuition for private schools while paying taxes for public schools. Private schools provide better education for a much lower cost.

Most families have no choice but to send their children to the neighborhood public school, regardless of its quality. This makes public schools a protected monopoly. Like most monopolies, they do a poor job of serving the public. Education suffers.

This same lack of choice frequently compels families to send their children to problem schools. Youngsters are exposed to violence, drugs, and other threats. Without other choices, parents feel helpless to change this.

The libertarian approach to education is to let parents choose the education that is best for their child. The following steps should be taken immediately to promote choice and return control of education to parents and students:

1. Allow parents to send their children to the teacher and the school of their choice by implementing a voucher system.
2. Eliminate the U. S. Department of Education, which spends billions on administration and educates no one.
3. Institute tax credits for any person or company which pays for the education of any student, or any number of students, at any school, public or private.
4. Remove restrictions which limit such private educational choices as home schooling.

4. Free Trade and Neutrality

The Libertarian Party supports a foreign policy designed to promote peace and honest trade between Americans and all other people. Thomas Jefferson stated it: "Peace, commerce and honest friendship with all nations, entangling alliances with none." Libertarians would say: free trade and neutrality.

Protectionism hurts consumers. It drives up the price of clothing, shoes, automobiles, and other goods by billions of dollars each year. Protectionism favors special interests, eliminates jobs, and raises the cost of living for all Americans.

Both Democratic and Republican administrations have, for many decades, employed a foreign policy of intervention which disrupts free trade. Since Americans would never tolerate other nations interfering with our internal affairs, we should not interfere in theirs. We should stop using military and covert operations to prop up or topple any other government.

We should rely on the obvious benefits of trade to promote free markets and human rights throughout the world. Free international trade promotes peace because people trading with their neighbors do not want war to interrupt their prosperity. When trade is restricted by embargoes, quotas, and tariffs, history has shown that the likelihood of war increases. The following are some steps which should be taken immediately to promote more harmonious trading relationships:

1. The United States should return to its historical foreign policy of free trade and neutrality.
2. The United States government should repeal all laws which hamper trade with people in other countries.
3. The United States government should repeal all laws which restrict the right of Americans to travel to other countries.

5. AIDS

Acquired Immune Deficiency Syndrome (AIDS) is one of America's most serious health problems. The search for a cure or relief should be of the highest priority. Libertarians hold that the first line of attack should be to remove governmental obstacles to finding a cure and to educate the public regarding protection against the disease. While past governmental policy affecting AIDS has been disastrous, private action has been successful. The virus believed to cause AIDS was discovered by a small private research organization, the Pasteur Institute, in Paris.

It is obvious that nothing should be allowed to stand in the way of AIDS sufferers seeking relief or medical professionals trying to find a cure. The Libertarian Party proposes the following steps to further these ends:

1. Remove all impediments to research or testing regarding AIDS.
2. Allow any person who has AIDS or carries the virus to try any treatment or medicine regardless of whether that treatment or medicine meets any other government regulations.

3. Federal Communications Commission and Postal Service regulations currently prevent people from getting information they need about AIDS research, treatment, and prevention. These regulations should be eliminated.
4. Public schools and universities should suspend any regulations which prevent teachers, administrators, or student newspapers from distributing information about AIDS research, treatment, or prevention.

6. Taxes: The Cruellest Burden

One of the Libertarian Party's goals is to replace taxation with voluntary methods for financing government services. The government uses force to collect taxes. If you don't pay taxes *_voluntarily_*, your property may be seized and you may be imprisoned. Our earnings and property are taken by force if we don't cooperate. If any organization or person other than our government tried this, we would call it stealing.

If it is wrong for private citizens to take others' property, it is wrong when government does it. Private citizens and companies would be called criminals for using such methods, so it must be criminal for our government to do it.

When taxation takes money or property from private citizens and transfers it to government, economic productivity declines. Employers cannot expand, businesses fail, and jobs are lost. We have seen this repeatedly, particularly during the past 70 years since the federal income tax was introduced. Even successful businesses must still pass on the cost of taxes to consumers. Everyone loses except the government.

Experience shows that government is inefficient. Most government services can be provided better by private businesses, private charities, and other community organizations. To begin the process of replacing taxation with voluntary financing of government activities, we propose the following:

1. Neither Congress nor any state legislature should create any new tax or increase any tax rate from this day forward.
2. A "sunset" provision should be added to every tax statute. Such a provision would end the particular tax after two years unless it is re-enacted.
3. The U. S. Constitution and the state constitutions should be amended to provide for a binding initiative process where the voters can repeal any tax by majority vote.
4. Tax money should no longer subsidize any government service which can possibly be provided in the private sector.

7. Pollution is Trespassing

Pollution is a trespass when one person or company removes trash, foul air, or foul water from his property and dumps it on the property of others without their consent. The victims of pollution should be able to sue the polluter, require him to stop, and collect damages.

The best way to understand why we have the high level of air and water pollution we have today is to recognize that responsibility for protection of the environment has been turned over to a government bureaucracy. Today's failures are a result of the ineffectiveness of the government to deal with such important issues.

Faceless bureaucrats can never be as effective in fighting pollution as individual citizens -- provided that we give the citizens the tools they need to do so. The following are some initial steps to deal with pollution:

1. Clearly establish the legal right of individuals or groups to claim that pollution of their body, their property, the water on or under it, and the air above it is a trespass. This would include adoption of a broad definition of property rights to include air and water.
2. End all regulatory attempts to define an acceptable level of pollution or pollutants. Setting such standards has the effect of legally sanctioning that amount of pollution, even when it might be reduced below that level. It also deprives citizens of the right to successfully claim damages from lesser levels of pollution.

8. Solving the Drug Problem

Libertarians want to see all Americans healthy and free of drug dependence. However, we recognize that criminal penalties for sale, transportation, possession, or use of drugs have not solved and cannot solve this problem. Similar penalties were tried when alcoholic beverages were outlawed over 60 years ago. The failure of this approach was recognized, and Prohibition was repealed.

Prohibition spawned organized crime. Today's drug laws keep it going. Criminal penalties for drug trafficking reduce supplies, force drug prices up, and make drug dealing very profitable. High prices lead to violent crimes committed by a small number of addicts who may steal or murder to feed their habit. Most victims of these crimes are innocent non-users.

Prohibition resulted in many deaths from "bathtub gin". Today we read of deaths from the use of adulterated drugs. There is no difference. There is no consumer protection for impure, illegal drugs. Dead users cannot prosecute their suppliers.

The substance that causes the greatest problem is alcohol. The most physically damaging and most addictive is tobacco. For every death caused by the use of illegal drugs, there are almost 100 deaths caused by the use of alcohol or tobacco. Yet few suggest that either alcohol or tobacco should be banned.

The Libertarian Party does not advocate the use of drugs. The libertarian approach recognizes that the drug problem is worsened by the use of criminal law to attempt to halt drug use. However foolish people may be, they should have the right and the responsibility to determine for themselves what to put in their own bodies. The law should reflect that. The following reforms should be instituted immediately:

1. Relegalize the possession of marijuana, cocaine, heroin, and other controlled substances for personal use. Alaska and the Netherlands have already done this for marijuana and experienced no problems. The British have done this for heroin with similar results.
2. Hold people who commit crimes or cause accidents while under the influence of any drug (including alcohol) fully liable for their actions.
3. Repeal all laws and regulations which impede the establishment of private drug treatment programs.

9. Immigration

America grew and developed as a result of the efforts of millions of immigrants who fled their homelands to seek a better life in our land. Libertarians believe that all Americans are best served if the doors to our nation remain free and open.

Many fear that the welfare programs which we have created would act as a magnet to draw immigrants to America. Some say that being poor in America offers a higher standard of living than many can attain in their homelands. We agree. However this is not a good reason to slam our doors shut on those who seek freedom and an opportunity to prosper through their own honest efforts. If anything, the situation calls for the reform or end of these welfare programs.

Others fear that immigrant labor would throw Americans out of work. In fact, what will happen is that greater competition will develop for jobs, particularly in the area of unskilled labor. The principal result of this competition can only be a reduction in labor costs which will ultimately be passed on to all American consumers in the form of price reductions on labor-intensive goods and services. Those who object most strenuously to an "open door" policy are those labor groups which stand to gain the most from monopolizing the labor market.

America was once respected around the world as a symbol of peace and freedom -- a land of opportunity. People voted with their feet. They left much behind to come to the United States. We should return to the proud tradition of welcoming all who would join us, wishing them well, and allowing them to earn their way. To quickly achieve an open door policy, we endorse the following immediate steps:

1. Amend all welfare and benefit programs to exclude coverage and services for anyone who is not a U. S. citizen.
2. Repeal all laws and regulations which require a work permit or other form of government approval for a foreign citizen to work in the United States.
3. Eliminate all immigration quotas.

10. Health Care and Health Costs

Health care is far too important to trust to the government.

That simple statement may sound extraordinary, but it is quite true. What can be more important to each of us than the continuing health of ourselves and our loved ones? Yet over the past decades we have increasingly allowed our government to have a greater and greater involvement in our health care. Perhaps this might make sense if the government had a strong record for achievement in this area. Unfortunately the opposite is true.

The Food and Drug Administration has a dismal record. The time required to approve new drugs and treatments for use by doctors is far too long. Many patients suffer or die while bureaucrats cause long delays. Terminally ill patients who have no other hope are routinely denied experimental drugs which may have a beneficial effect on their condition. Only the wealthy can afford to travel abroad to obtain treatment denied here.

Increasing subsidies for health care, including Medicare and Medicaid, have resulted in skyrocketing medical costs and extensive fraud. Our government has failed to recognize that providing services at low or no cost can only lead to an over utilization of scarce medical resources and force the dramatic rise in medical costs which we have all experienced. It is no coincidence that the explosion in medical costs occurred at the same time that government involvement in health care grew.

Among those who do not understand the problem, there is a growing cry for more government involvement in medicine. Surely throwing more oil on the fire cannot put it out! We advocate the following immediate actions to return to a period of affordable, quality health care:

1. Return decision making regarding medication and treatment to patients and health care professionals. Eliminate government interference in these important decisions.
2. Return all medical research to the private sector where scarce resources can be focused on life-saving results rather than bureaucracy.
3. End government medical insurance and subsidy programs. Return these functions to private insurance companies and charitable organizations.

OBJECTIONS TO 1991 CRIME BILL
DOUGLAS N. HERRITT - phone
INDEX

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No.107
Biden-Thurmond Violent Crime Act of 1991

- Sec. 701 ASSAULT WEAPONS
- Sec. 801 POLICE CORPS AND LAW ENFORCEMENT TRAINING
 AND EDUCATION ACT
 SUBTITLE A---POLICE CORP PROGRAM
- Sec. 824 LAW ENFORCEMENT SCHOLARSHIP PROGRAM
 SUBTITLE B
- Sec. 1101 HABEAS CORPUS REFORM
- Sec. 1401 BOOT CAMPS
- Sec. 1641 DRUG FREE TRUCK STOPS AND SAFTY REST AREAS
- Sec. 1701 DRUG EMERGENCY AREAS
- Sec. 2201 NATIONAL COMMISSION TO SUPPORT LAW ENFORCEMENT
- Sec. 2301 EXCLUSIONARY RULE
- Sec. 2901 MOTOR VEHICLE THEFT PREVENTION
- Sec. 4413 ASSISTANCE TO FOREIGN GOVERNMENTS AND INTERNATIONAL
 ORGANIZATIONS
- Sec. 4653 SEIZURE OF VENICLES WITH CONCEALED COMPARTMENTS
- Sec. 4904 DRUG PARAPHERNALIA

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No.107
Biden-Thurmond Violent Crime Act of 1991

Sec. 701 (page S 9993 of Con Rec; middle of middle column)

=====

ASSAULT WEAPONS

This section amends sec. 922 of title 18 U.S.C.

"(s)(I) Except as provided in paragraph (2), it shall be unlawful for any person to transfer, import, transport, ship, receive or possess any assault weapon.

"(2) This subsection does not apply with respect to---

(B) any lawful transferring, transporting, shipping, receiving, or possession of such a weapon that was lawfully possessed before the effective date of this subsection.

"(t)(1) It shall be unlawful for any person to sell, ship, or deliver an assault weapon to any person who does not fill out a form 4473 (pursuant to 27 CFR 178,124) or equivalent, in the purchase of such assault weapon.

SUMMARY:

This section outlaws weapons not presently owned and requires the registration of those that are presently owned.

Criticism:

- 1) This section violates the Second Amendment to the Constitution.
- 2) The founders intended the 2nd Amendment to be protection of the people against their own government. So long as the police have Kalashnikovs and UZIs the people have a right to be equally armed for their survival.

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No.107
Biden-Thurmond Violent Crime Act of 1991

Sec. 801 (page S 9994 of Con Rec; middle, left column)

=====

POLICE CORPS AND LAW ENFORCEMENT TRAINING AND EDUCATION ACT
SUBTITLE A---POLICE CORP PROGRAM

Sec. 802. The purposes of this title are to---

(1) address violent crime by increasing the number of police with advanced education and training on community patrol;

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement; and---

Sec. 812 (a) (2) (A) Except as provided in subparagraph (B) each scholarship payment made under this section for each academic year shall not exceed---

(i) \$7,500;

Sec. 812 (a) (2) (C) The total amount of scholarship assistance received by any one student under this section shall not exceed \$30,000.

Sec.812 (a) (5) (B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees and room and board payable to the institution.

Sec. 812 (d) (1) (A) after succesful completion of a baccalaureate program and training as perscribed in section 814, work for 4 years in a State or local police force---

Sec 812 (e)---A dependent child of a law enforcement officer---

(4) who is killed in the course of performing police duties, shall be entitled to the scholarship assistance authorized in this section for any course of study in any accredited institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

Sec.813 (b) (3) It is the intent of this Act that there be no more than 20,000 participants in each graduating class....

SUMMARY:

46 persons in each Congressional District may be granted \$30,000 for college costs if they agree to serve 4 years in a police force thereafter. Any part of the \$30,000 not needed for schooling may be kept by the student. The child of a policeman killed in the line of duty may receive the same scholarship with no obligation of duty.

Criticism:

- 1) Gratuitous benefits to the children of deceased police is inconsistent with the stated purposes of the Act which is to increase education and training on community patrol. Present laws and employer paid insurance are adequate compensation for the work. Largess of such nature could equally be expected by firemen, soldiers, teachers and Congressmen. Where should it stop?
- 2) The return of money from the college to the student would encourage the student to take a minimum schedule and to find the cheapest school.
- 3) There is a body of opinion that a baccalaureate degree is not needed for ordinary police work. Indeed, some scholars believe such overkill in education drives away otherwise excellent workers.
- 4) If it is believed that advanced education is required for the leadership only then the question arises, Who should pay? Graduated pay scales for the upper ranks already provide for an expected education. Should the public pay twice, once for the education and once again, with higher pay scales, when the education is put to work?

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No.107
Biden-Thurmond Violent Crime Act of 1991

Sec. 824 (page S 10003 of Con Rec; middle of right column)

=====

LAW ENFORCEMENT SCHOLARSHIP PROGRAM
SUBTITLE B

Sec. 802. The purposes of this title are to---

(1) address violent crime by increasing the number of police with advanced education and training on community patrol;

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement; and---

Sec 822 DEFINITIONS (2) the term "educational expenses" means expenses that are directly attributable to--

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree;

Sec 824 (f) SPECIAL RULE--- Each State receiving an allotment under section 823 shall ensure that each scholarship recipient under this subtitle be compensated at the rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

Sec. 826 (a) An individual shall be eligible to receive a scholarship under this subtitle if such individual had been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

Sec. 829 (c) (1) SERVICE OBLIGATION---Except as provided for in paragraph (2) each individual awarded a scholarship under this subtitle shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which funds are received under the

scholarship.

Sec. 829 (c) (2) SPECIAL RULE For the purposes of satisfying the requirements specified in paragraph (1) each individual awarded a scholarship under this subtitle shall work in a law enforcement position in the State which awarded such individual the scholarship for not less than 6 months nor more than 2 years.

Summary

Police with 2 years service may apply annually for scholarships amounting to \$10,000 (see Sec.812 (2) (B)). After one year of school, depending upon how many classes he passed, he will have to return to work for from 6 to 24 months. During his schooling he will receive full compensation and benefits including time in service.

Criticism:

- 1) The cost of this program is excessive. For two and one half years duty as a police officer the city must pay three and one half years pay plus \$10,000.
- 2) There is a body of opinion that a baccalaureate degree is not needed for ordinary police work. Indeed, some scholars believe such overkill in education drives away otherwise excellent workers.
- 3) If it is believed that advanced education is required for the leadership only then the question arises, Who should pay? Graduated pay scales for the upper ranks already provide for an expected education. Should the public pay twice, once for the education and once again, with higher pay scales, when the education is put to work?

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No.107
Biden-Thurmond Violent Crime Act of 1991

Sec. 1101 (page S 9999 of Con Rec; top of left column)

HABEAS CORPUS REFORM

Sec. 1101 amends section 2244 of title 28 U.S.C. to read:

(d) A one year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody in pursuant to the judgement of a State court. The limitation shall run from the latest of the following times:

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence."

Sec. 1106 has similar language amending section 2255 of title 28 U.S.C.

SUMMARY: This forbids access to the court to those citizens not positioned or equipted to use reasonable dililgence in their cause.

Criticism:

- 1) Many persons in custody in prisons or asylums, without hope or counsel, low in intellect and without friends or kinfolk cannot be expected to "exercise reasonable diligence". They simply do not have that capacity. Witness the recent awfulness in the Baltimore jail where dozens of helpless victims were held for a year without anyone knowing they were there. What is worse is that no one cared.
- 2) Any statute of limitations on an order to the government to "produce the body" for inquiry, can only work in one direction. It benefits that government to the detriment of the people.

Sec. 1401 (page S 10003 of Con Rec; middle of right column)

=====

BOOT CAMPS

(a) IN GENERAL--- Not later than 1 year after the effective date of this section, the Attorney General shall establish within the Bureau of Prisons 10 military-style boot camp prisons (referred to in this title as "boot Camps"). The boot camps will be located on closed military installations on sites to be chosen by the Director of the Bureau of Prisons, after consultations with the Director of National Drug Control Policy, and will provide a highly regimented schedule of work, drill, and ceremony characteristic of military basic training as well as remedial education and treatment for substance abuse.

(b) CAPACITY--Each boot camp shall be designed to accommodate between 200 and 300 inmates for periods of not less than 90 days and not greater than 120 days....

The section also provides:

"(2) A defendant may be designated as eligible for placement if---

(A) the defendant ---

- (i) is under 25 years of age;
- (ii) has no prior conviction for which he or she has served more than 10 days incarceration; and
- (iii) has been convicted of an offence involving a controlled substance...

(4) Successful completion of assignment to a boot camp shall constitute satisfaction of any period of incarceration,....

SUMMARY:

Specialized incarceration for certain drug related sentences.

Commendations:

If it is thought necessary to punish citizens who harm only themselves by the use of drugs then this scheme is as good as any. Putting young people in healthy competitive situations for a short period of 3 to 4 months is much better than warehousing them in idleness for 3 to 4 years.

Criticism:

Some members of Congress will use this section to reopen recently closed bases. Active bases would better serve the purpose and also could provide logistic support.

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No.107
Biden-Thurmond Violent Crime Act of 1991

Sec. 1641 (page S 10007 of Con Rec; top, left column)

=====

DRUG FREE TRUCK STOPS AND SAFTY REST AREAS

In general this section amends 21 U.S.C. 801 et seq.

"Sec. 409. (a) Any person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within one thousand feet of, a truck stop or safty rest area is (except as provided in subsection (b)) subject to---

"(1) twice the maximum punishment authorized by section 401(b) for a first offence.

SUMMARY:

This section doubles the punishment of drug at truck stops.

Criticism:

- 1) There is no evidence that enhanced penalties deter crime. An example is the crime situation in the cities around schools. There have been increased penalties for drug sales near schools for years with no indication that such measures work.
- 2) Indeed if such measures would work they would be counterproductive to the effort. Presently it is believed by Congress that drug sellers congregate at truck stops. That fact, if true, should make their apprehension easier than if they are to be dispersed to wider areas.
- 3) The danger to this legislation is the fact that the authorities seperate out truck stops for special treatment in the punishment phase. Having established the truck stop as a special threat the logical next step will be to declare them to be enclaves, similar to military posts, where the Fourth Amendment does not apply. Such chipping away of the Constition is best stopped now.

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No.107
Biden-Thurmond Violent Crime Act of 1991

Sec. 1701 (page S 10007 of Con Rec; middle of center column)

=====

DRUG EMERGENCY AREAS

This section amends section 1005 of the National Narcotics Leadership Act of 1988 to read as follows:

"(c) Declaration of DRUG EMERGENCY AREAS----

"(1) PRESIDENTIAL DECLARATION---(A) In the event that a major drug-related emergency exists throughout a State or a part of a State, the President may, in consultation with the Director and other appropriate officials, declare such State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or otherwise authorized by law.

"(2) PRECEDURE FOR DECLARATION---(A) All requests for a declaration by the President designating an area to be a drug emergency area shall be made in writing by the Governor or chief executive officer of any affected state or local government, respectively,---."

"(3) FEDERAL MONETARY ASSISTANCE---(A) The President is authorized to make grants to State or local governments of up to, in the aggregate for any single major drug-related emergency, \$50,000,000.

SUMMARY:

Provisions for establishing areas for special administration of the laws.

criticism:

1) This concept is seriously faulty at two levels.

a) The erosion of local government by the seduction of federal moneies has previously been demonstrated in HUD grants and others. The trade-off of local sovergnity for money carries with it a loss of acountability and integrety that has proven to be disastrous to towns and cities.

b) The town official who can best hype up drug hysteria will be the one who gets the money irrespective of any drug problem. The federal official who must fulfill his program will look only casually at any real need. Fifty million dollars spent in our town for whatever purpose, is the same as acquiring a new industry. Our town fathers could not resist that temptation even though a few of our kids go to jail in the process.

I fear venal local officials more than I fear a few hopheads running around. And also consider the damage to the federal treasury; now there is a real crime.

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No.107
Biden-Thurmond Violent Crime Act of 1991

Sec. 2201 (page S 10010 of Con Rec; middle of left column)

NATIONAL COMMISSION TO SUPPORT LAW ENFORCEMENT

Sec. 2204 DUTIES.

(a) IN GENERAL---The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State and local levels, including the following:

- (1) FUNDING
- (2) EMPLOYMENT
- (3) INFORMATION
- (4) RESEARCH AND TRAINING
- (5) EQUIPMENT AND RESOURCES
- (6) COOPERATION
- (7) RESPONSIBILITY
- (8) IMPACT

SUMMARY:

A list of charges given to the commission.

Criticism:

- 1) Nowhere is an instruction for the commission to report back to the Congress on the advisability for the repeal of all drug laws and for the release of all drug law offenders.

As the time goes on with the situation getting ever worse it should become apparent that force and repression will not work. The Congress must someday come to understand that in a free society what Americans choose to do to their own bodies is not the concern of a central government.

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No 107.
Biden-Thurmond Violent Crime Act of 1991

Sec. 2301, (page S10011 of Con Reg, top, left column)

=====

EXCLUSIONARY RULE

This section amends chapter 109 of title 18 United States Code by addition of the following language:

"Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in reasonable reliance on a warrant issued by a detached and neutral magistrate ultimately found to be invalid, unless---

"(1) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

"(2) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

"(3) the warrant is based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

"(4) the warrant is so facially deficient that the executing officer could not reasonably presume it to be valid."

SUMMARY:

This section greatly reduces the scope of Mapp v. Ohio, the Exclusionary Rule.

Criticism:

- 1) This section would allow use of illegally seized evidence based on a warrant that failed the Fourth Amendment requirement of " ---particularly describing the place to be searched, and the persons or things to be seized."
- 2) Section 2301 (1) would allow a magistrate to be misled by a lying affiant and would disallow the warrant only if the magistrate was "materially misled". The laws governing Americans should not tolerate having the magistrate deliberately misled to any degree.
- 3) Section 2301 (3) requires the defendant to prove that probable cause is "entirely unreasonable" whereas the Fourth Amendment puts the burden of proof on the prosecutor to have only a reasonable belief that probable cause exists. There should not be

two standards for the parties.

- 4) Section 2301 provides no exception for spurious, forged or outdated warrants.

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No
107.Biden-Thurmond Violent Crime Act of 1991

Section 2901 (page S 10015 middle right column)

=====

MOTOR VEHICLE THEFT PREVENTION

In general this section authorizes the ATTORNEY GENERAL to formulate a program in cooperation with the States under which---

"(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner---

"(A) states that the vehicle is not normally operated under certain specified conditions; and

"(B) agrees to---

"(i) display program decals or devices on the owner's vehicle; and

"(ii) permit law enforcement officials in any State or locality to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions:

"(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operating with the permission of the owner: and ---

SUMMARY:

A system for identifying automobiles, the owners of which, previously abandoned their Fourth Amendment rights to not be searched absent probable cause.

Criticism:

- 1) This attempt to end run around the Fourth Amendment is both farcical and futile. It assumes that many Americans will invite police interruptions in their daily routine in return for a one in a million chance that it will return their stolen car that the insurance company will pay for anyway. I suspect that not 1% of free men would voluntarily sign away their Fourth Amendment rights.
- 2) The effect of this scheme on the car stealers would be minimal. They know that the police already have power enough to stop and search them with or without stickers. Opportunity and outlets govern the stolen car market not the state police.

- 3) If all restrictions on police stops were abolished either by 100% participation in this approach or by fiat, the police would still have the problem of judgement. They could not stop all cars, they're are too many, they would have to pick and choose. They would necessarily use some criteria just as they do today. Without a description of a particular stolen car they would need to rely upon profiles, furtive actions, modus operandi and their feel for the situation.
- 4) Another factor that should be considered, but about which this author is not qualified to judge.

Assuming that the stickers would affect the car stealers selection; then one must ask:

"Will both the stealers and the police give extra attention to either the stickered car or the unstickered car? If the police mostly stopped stickered cars then the unstickered ones would become the target of choice by the stealers. When that trend is noticed the police would switch their priorities and the stealers would shortly thereafter switch targets with the final result being about like it is today but with additional paperwork and expense."

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No 107.
Biden-Thurmond Violent Crime Act of 1991.

Sec.4413 (page 10028 of Con Rec, bottom right hand column)

=====

ASSISTANCE TO FOREIGN GOVERNMENTS AND INTERNATIONAL
ORGANIZATIONS

(a) In General---Section 149 of title 14, United States Code is amended to read as follows:

"The President may upon application from the foreign governments or international organizations concerned, and whenever in his discretion the public interests renders such a course advisable, utilize officers and enlisted members of the Coast Guard to assist foreign governments or international organizations in matters concerning which the Coast Guard may be of assistance. Utilization of members may include the detail of such members. Arrangements may be made by the Secretary with countries to which such officers and enlisted members are detailed to preform functions under this section, for reimbursment to the United States or such other sharing of the cost of performing such functions...."

SUMMARY:

Coast Guard personnel may be ordered to serve foreign government officials.

Criticism:

- 1) Ordering an enlisted man to serve under the command of a foreign jurisdiction is contrary to the terms of the enlistment contract. When enlisting in the Coast Guard it is not a reasonable expectation to have to be subject to the military code of conduct and criminal code of sometimes arbitrary despots.
- 2) Even if such "detailing" was limited to volunteers it would not protect members from being ordered to "volunteer".
- 3) Being "detailed" to a foreign government is uncommonly dangereous to the man detailed. An outsider, not speaking the language, not bonded with the other fighters by past exposure and not being of their nationality is worse than being sent to the front lines in WWII from a replacement depot. Our men deserve better.

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No 107.
Biden-Thurmond Violent Crime Act of 1991.

Sec. 4653, (page 10031 of Con Rec, bottom, left hand column).
=====

SEIZURE OF VEHICLES WITH CONCEALED COMPARTMENTS

This section amends section 3 of the Anti-smuggling Act of 1935 to include vehicles or other conveyances in addition to vessels already covered.

Sec 4653, (5), (c) of Biden-Thurmond Violent Crime Act of 1991

ACTS CONSTITUTING PRIMA FACIE EVIDENCE OF VESSEL, VEHICLE or OTHER CONVEYANCE ENGAGED IN SMUGGLING--

For the purposes of this section, prima facie evidence that a vessel, vehicle, or other conveyance is being, or has been, or is attempting to be employed in smuggling or to defraud the revenue of the United States shall be---

"(2) in the case of a vehicle or other conveyance, the fact that a vehicle or other conveyance has any compartment or equipment that is built or fitted out for smuggling."

SUMMARY:

Makes the presence of a secret compartment, by itself, evidence of smuggling.

Criticism:

- 1) This section violates the presumption of innocence and shifts the burden of proof from the prosecutor to the defendant. It charges the defendant with the impossible task of proving a negative.
- 2) Additionally this section invites police destruction of property otherwise innocent because of the very nature of "secret" compartments. If such compartments are believed to be present, finding their location must depend upon information obtained or upon the physical dismembering of the vehicle in search thereof.

refer: Congressional Record, Monday, July 15, 1991, Vol.137, No.107
Biden-Thurmond Violent Crime Act of 1991

Sec. 4904 (page S 10034 of Con Rec; top of left column)

=====

DRUG PARAPHERNALIA

Sec. 4904 amends Section 422(d) of the Controlled Substance Act
(21 U.S.C. 863(d) to read as follows:

"(d) The term 'drug paraphernalia' means any equipment, product, or material of any kind that is intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, weighing, testing, analyzing, packaging, repackaging, storing, containing, planting, propagating, cultivating, growing, harvesting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this title, including---

SUMMARY:

A partial listing of prohibited products.

Criticism:

- 1) This section expresses more clearly than any other in the Bill the frustration and powerlessness of the Congress in their attempts to force Americans into the Brave New World of drugs.
- 2) With this section the police need only to allege "intent" and they can seize the citizen's home, farm and automobile. Even after dismissal of criminal charges the citizen's efforts to retrieve his property in civil proceedings are expensive, lengthy and often futile. This is so even with the total absence of any controlled substance in the charge.
- 3) This section implies that the motive of the designer of a product is necessarily extended to the user. The citizen cannot be expected to know the purposed use in the mind of the designer of weighing, testing or harvesting equipment.

FROM:

[REDACTED]
LAWRENCE, KANSAS 66044



TO: MR. BRIAN LAMB
% C-SPAN NETWORKS
400 N. CAPITOL STREET, N.W.
SUITE 650
WASHINGTON, D.C. 20001

FIRST CLASS