



The Utah Liberator

The Monthly Voice of the Libertarian Party of Utah for the Enlightenment of Our Members & Friends

Vol. 3, No. 1

May/June 1997

'97 State Convention Ratifies New Constitution, Elects Officers and Expels Larsen Unanimously

by J. Robert Latham, State Secretary

Against the backdrop of Ken Larsen's lawsuit against past and present LPUtah SEC members, and a threatened challenge to the current LPUtah leadership, members gathered at the UofU's student union theater on May 31, 1997 to help chart the Party's future direction.

At 1:20 p.m., Convention and LPUtah state chair Jim Dexter welcomed those in attendance to what past-state chair Jim Lorenz calls "ritualized war." Yet despite the pre-convention rumblings, the closest the convention came to battle was the trooping of the colors by the Utah Militia.

The convention approved the agenda and rules proposed by Dexter and proceeded to state officer reports. Dexter recounted the Party's past year, beginning with the 1996 nominating convention, which was the basis of Larsen's lawsuit, the performance of LPUtah candidates in the 1996 election (notably Hugh Butler's 23,000+ votes in the race for State Treasurer which helped the LPUtah retain ballot status), and the continuing increase in LPUtah membership.

After state vice chair Kaylin Robinson's brief remarks, state treasurer Jim Elwell reported the LPUtah's financial situation (we're in the black), and the personal cost of defending against Larsen's groundless lawsuit (over \$5,300). State legal counsel J. Robert Latham reviewed LPUtah lobbying efforts, changes in Utah election law, and discussed multiple party or "fusion"

candidacies with delegates, as well as other voting methods that can increase the chances of electing Libertarians to office, such as preference voting and proportional representation.

As proof of the increasing grass roots growth of the LPUtah, five county chairs (Salt Lake, Utah, Davis, Summit, and Box Elder) gave reports, as did Chris Winstead president of the newly revived University of Utah chapter.

Keynote Speech

Keynote speaker Perry Willis, executive director of the Libertarian National Committee, told the convention why he believes Libertarians are going to win more elections. More and more Americans are searching for an alternative to the two old parties, said Willis, and a breakthrough by another party is within reach.

As proof, Willis pointed to the 1992 presidential election, which, if held on the eve of Ross Perot's early withdrawal from the race, would have resulted in Perot's election as president by the electoral college based on his state-by-state poll standings. Willis reported on the increasing professionalization of functions at the national office and upcoming efforts to raise money from Libertarian-leaning Americans.

After Willis' remarks, Jim Elwell repudiated the veracity of statements contained in a pre-convention letter that had been circulated by Larsen to some LPUtahns and convention attendees. Dexter then presented the LPUtah's first "Paper Tiger"

Award to Curt James for his role in defeating Republican incumbent David Bresnahan in Utah's House District 42. Bresnahan lost his election to Democrat challenger Perry Buckner. James ran in that race as a Libertarian and received more votes than Buckner's margin of victory.

Next, Dexter presented a new LPUtah constitution to replace the one that had been in place since 1983. After some stylistic amendments, the new constitution was approved by the convention on a vote of 28 yeas and one nay with four abstentions. Elwell's amendment to remove the State membership category to keep the LPUtah in the Unified Membership Plan passed on a vote of 19 yeas and 7 nays with 3 abstaining.

Officers Elected

The overwhelming passage of the new constitution, in light of the anticipated donnybrook, made the election of new state officers somewhat anticlimactic. Jim Dexter, Curt James, Kaylin Robinson and None of the Above were nominated for state chair. Dexter was reelected with 18 votes (James-2; Robinson-5; NOTA-1).

Rob Latham, Kaylin Robinson, and NOTA were nominated for state vice chair. Robinson was re-elected with 16 votes (Latham-7; NOTA-1). Under the new constitution, only those who have been paid LPUtah members for over one year may serve on the SEC. So, the convention voted 19-5 to suspend the requirement for Robinson.

Curt James and Charles Hardy were nominated for Secretary. Charles Hardy was elected Secretary with 14 votes (James-7). The convention also voted to suspend the one-year requirement for Charles Hardy.

Jim Elwell, NOTA and Robert Latham were nominated for state treasurer. Latham was elected by a voice vote.

J. Michael Coombs was nominated for Legal Counsel and elected by a voice vote. (At the subsequent State Executive Committee meeting, the SEC voted to allow Hardy and Latham to switch their Secretary and Treasurer positions. Latham is now state secretary and Hardy is now state treasurer. The SEC also was informed that Coombs declined to serve as state legal counsel and that position remains vacant.)

Only one resolution was considered by the convention: Jim Elwell's proposal to adopt the Liberty Penguin as the LPUtah's state symbol. After Elwell's multimedia presentation, Dexter sensed the resolution was doomed and moved to table the resolution so Elwell could continue to run ads in *The Utah Liberator* extolling the virtues of the Liberty Penguin in hopes of swaying future delegates. The resolution was narrowly tabled on a vote of 12 yeas and 11 nays.

Larsen Expelled Unanimously

The convention's final action was to unanimously ratify last year's expulsion of Ken Larsen from the LPUtah by the SEC. The convention adjourned at 5:12 p.m.

I-15 Clean-Up & Cook-Out Slated For July 19

Help clean up the LPUtah's "adopted" section of I-15 and get lunch "free." Or sleep late that Saturday morning and pay to enjoy our first social event of the Summer.

UDOT has declared July 19 as "Governor's Clean-Up Day." Unfortunately, we will not be able to clean behind Mike's ears or rid him of all his dirty statist thoughts. But we can make sure *our* part of I-15 is liberated of trash, and we can continue that enthusiasm over a great barbeque and Libertarian gabfest afterwards.

Here's the deal:

- If you want to get an early start, come to Denny's on the west side of I-15 at the 4500 South exit at 8:00 AM and enjoy breakfast with SL County chair Richard Barnes and other early birds. (The cost of breakfast is on you.)
- If you're used to feeding yourself, come to Denny's at 9:00, get an orange vest and bag, then start picking up the amazing things people toss from their cars. Past crews have found cash, dayplanners, new magazines, diaries, etc. It's not a really a dirty job . . . it's an adventure of discovery.
- Tip: Wear old clothes and, if you have them, comfortable boots. Work gloves are also recommended. And a long sharp stick you can use to snare paper should prove very useful. A hat will help.
- *The Utah Liberator's* intrepid editor will be there to snap your photo for publication and/or posterity. (He might even pick up some trash.)
- We'll knock off around noon. That will give you a chance to go home and shower. Or you can go to the secret site of the barbeque as you are. Soap and a lawn sprinkler will be provided. A map will be given to all participants.
- The barbeque starts at 1:00 p.m. There will be plenty of hot dogs, hamburgers, beans, cole slaw, potato salad, chips, salsa, mustard, catsup, etc. Soft drinks will be provided. BYO if you prefer to imbibe anything stronger.

PLEASE RSVP!

We really have to plan this thoroughly. To volunteer for the LPUtah Clean-Up Crew, call Richard Barnes at 521-4400. Be sure to tell Richard whether you want hamburgers or hot dogs or both.

To RSVP for the barbeque only (\$10 per head), call Jim Dexter at 963-1028. Be sure to tell Jim whether you want hamburgers or hot dogs or both. If you leave a message, be sure to also give your address so we can mail you a map of the secret, SLC 'burb location.

SL County To Try New Venues & Menus

After meeting regularly for nearly two years at Slider's Pub & Grill (3500 South & Redwood), the LP of SL County will start experimenting with new meeting sites starting this month.

The July 24 meeting will be held at the 7 Seas, a Chinese

buffet, at 4908 South Redwood Road in Taylorsville.

As usual, the meeting will start at 7:00 p.m. But if you miss that meeting, the next meeting, August 28, will be back at Slider's where a new location for September's get-together will be discussed.

County Convention Round-Up

BOX ELDER — The Box Elder County party met on Friday, May 23 at the chapel in Dick Partridge's home (a former ward house north of Brigham City) and elected the following as the new county officers:

Chair — **Brett Smith**
Vice Chair — **Lonna Smoot**
Secretary — **Dick Partridge**
Treasurer — **Gary Beal**

DAVIS — The LP of Davis County met in convention at the County Library in Bountiful on Tuesday, April 29. They elected the following as the 97-99 County Executive Committee:

Chair — **Norm Parker**
Vice-Chair/North — **Pat Hunt**
Vice-Chair/South — **Dick Brown**
Secretary — **Theda Judd**
Treasurer — **Patricia Hunt**

SALT LAKE — The LP of Salt Lake County held two conventions. The first was called by then chair Scott Bergeson on April 26 at the SL County Commission Chambers. The second, the "Reconvention," was held at the Park Library in Taylorsville on May 17 as called by newly elected chair Jim Dexter.

Dexter felt responsible for the poor turnout at the first meeting because the *Liberator* did not get out in time to provide sufficient notice. Even though they were given another chance, SLers voted for the same slate of new officers:

Chair — **Jim Dexter**
Vice-Chair — **Richard Barnes**
Secretary — **Don W. Johnstun**
Treasurer — **Scott Bergeson**

Dexter, later reelected state chair, resigned his county post. Richard Barnes is now Salt Lake County chair.

SUMMIT — The LP of Summit County met at Chris Kierst's house on Saturday, May 10. Elected to office were:

Chair — **Chris Kierst**
Vice Chair — **Pam Chapman**
Sec'y/Treas — **Steve Sady**

The (first) county party organization meeting is at the Wasatch Pub on Main Street in Park City at 7:15 PM on Wednesday, July 30, 1997.

UTAH — The LP of Utah County met in convention on Thursday, May 1 at Jason Gallentine's home in Orem. Attendees included two observers from Peru who are interested in carrying the libertarian movement back to their home country. They said they might attend the state convention on May 31.

Elections were held and the following are the county executive officers:

Chair — **Glade Bradford**
Vice-Chair — **Andrew Howard**
Secretary — **Steve Thomas**
Treasurer — **Stan King**

The Utah County party also decided to hold regular monthly gatherings at the Orem Barnes & Noble's coffee shop (130 West 1300 South, across from the University Mall) on the first Thursday of the month, starting on July 3.

Our hats off to all these great volunteers. Please give them your support.

The Utah Liberator

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Editor & Designer
Jim Dexter

All submissions are welcome. Send neatly typewritten hard copy and/or disk in ASCII [text], Word, or Word Perfect) no later than the fifth of the month to:

The Utah Liberator
P.O. Box 526025
Salt Lake City, Utah
84152-6025
801/534-8872
1-800-280-7900

Or, if you're on-line, submit them electronically to:

JimDex1@aol.com

Submissions may be subject to editing for fit, but will otherwise be printed as submitted . . . if we have room in the issue.

LPUtah's New Membership Rules Are Fraudulent

by Scott Bergeson

Since the opportunity to present arguments against the so-called "Simple & Economical Membership Amendment (SEMA)", was denied me at the LPUtah Convention,¹ I am obliged to present them to the general membership through *The Utah Liberator*.

This plan, as proposed by the LP National (LPN) and then accepted at the Convention on May 31, 1997, is fraudulent, and therefore contemptuous of the Statement of Principles, on three grounds:

1) The claim that failure to so ratify the LPUtah Constitution just adopted would disqualify the LPUtah from continued participation in the Unified Membership Plan (UMP) as presented by the Libertarian National Committee (LNC) is erroneous. The LNC was well aware of the existence of the State Membership category, both in prior practice, and in the proposed new Constitution. To the best of my knowledge, the LNC did not make LPU's participation in the UMP contingent upon passing these amendments.²

Indeed, the mere fact that the LNC instituted revenue-sharing under the UMP prior to passage of such an amendment signified their acquiescence to the continued existence of State Members, and established precedence for that category.**

2) Mandatorily imposing such unification upon all LPUtah

members violates the right recognized in the LPN's own Platform that "the right of association includes the right not to associate, for exercise of the right depends upon mutual consent."

As presently instituted, this Plan requires any Libertarian wishing to affiliate with the (so-called) LPUtah to also be a member of the National LP, and similarly requires any Libertarian resident in Utah to be a member of the LPUtah in order to affiliate with the National LP. To protect freedom of association, it is necessary to allow separate election of affiliation with these two supposedly distinct organizations.

3) If unified membership is mandatorily imposed, the supposed purposes for the existence of the LPUtah listed in Article One, Section B of the new Constitution for the LPUtah are obviated, as they become purely secondary to the purposes of the LNC, and without distinct purposes, its very existence other than as an extension of NatCom becomes null and void.³ These amendments render the LPUtah merely a local chapter of the LNC. If such be the desire of Utah Libertarians, we could have saved ourselves the trouble of preparing a new Constitution, since it endured a mere few minutes.

These objections could be overcome very easily as follows:

1) Reverse the final amendments to the Constitution for the

LPUtah, to restore the State Membership category, whose data might not be shared with National; and

2) Suggest that National provide a negative option for National Members, which if exercised would prevent their data and dues money from being shared with the state LP in whatever state they may reside. Should they subsequently wish to become State Members, they could purchase a separate State Membership or simply advise the LPN to cancel the option.

I therefore suggest that these hastily considered amendments be reversed,⁴ and a dialog with the LNC be opened to address these concerns.

From the PREAMBLE of the 1996 National Platform of the Libertarian Party:

"As Libertarians, we seek a world of liberty; a world in which all individuals are sovereign over their own lives, and no one is forced to sacrifice his or her values for the benefit of others."

¹ The question was called before Scott had a chance to present his arguments. Scott later complained the UMP Amendment had been "railroaded." Our copy of *Robert's Rules* says any motion to call the question must be handled immediately.

² UMP excludes all state-only memberships.

³ We remain a separate entity. UMP merely makes the LPN our membership bookkeeper.

⁴ Any member who wants to change the Constitution needs only to follow the procedures outlined therein.

Larsen Suit Dismissed

The lawsuit brought against the LPUtah's state officers, specifically state treasurer Jim Elwell and state chair Jim Dexter, by Ken Larsen was summarily dismissed with prejudice by Judge Leslie Lewis of Utah's Third District Court. (Dexter and Elwell were the only two of the four named defendants to be served.)

Larsen, whose fraudulent attempt to overthrow the 1996 convention led to his being expelled from the Party, sued the state party officers for \$50.32 million because they refused to certify him as the LPUtah's candidate for governor after the convention denied him the nomination by voting for NOTA.

Larsen's lawyer claimed the provisional constitution, which was also rejected by the same convention, represented a "contract" between the state officers and Larsen. Judge Lewis explained the elements that make up a contract (e.g., consideration, agreement, performance, etc.) and noted that there was no contractual relationship of any kind between the individual defendants and the plaintiff. She also said the suit failed to cite an indispensable party in the action, namely the LPUtah.

Larsen tried to vote at the Salt Lake County party organizing convention on April 26 but his attempt to get his nose under the tent was unanimously rejected by the attending members.



The Liberty Penguin

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RADNELL C

July

- 3 Utah County Social – 225-0203
7:00 PM – Barnes & Noble, 130 West 1300 South, Orem
- 10 State Executive Committee – 534-8872
- 19 I-15 Clean-Up – 521-4400
9:00 AM – Denny's, 4500 South & I-15
- 19 Summer Cook-Out – 963-1028
1:00 AM – Location to RSVPers & Clean-Up Crew
- 24 Salt Lake County Social – 521-4400
7:00 PM – Seven Seas, 4908 South Redwood Road
- 30 Wasatch County Social – 649-2451
7:15 PM – Wasatch Pub, Main Street, Park City



Notes From The Chair

by Jim Dexter

State Convention: Now is the time to thank those who came to the aid of the Party and worked behind the scenes to help make this off-year convention one of the best ever. First, many thanks to our convention secretary, **RICHARD BARNES** for taking great minutes, and to sergeant-at-arms **JASON CALLENTINE** for being ready to quell the rowdy. Fortunately, his services weren't needed.

Before anyone arrived, **LEE HATFIELD**, **DEBBIE LINDSLEY**, **LAURA LINDSLEY**, **JU-EL ROBINSON** and **KAYLIN ROBINSON** spent hours decorating the hall. Thanks also to **DUSTIN CHRISTENSEN**, **JU-EL ROBINSON** and **PRITCH LINDSLEY** of the **UTAH MILITIA** for trooping the colors. Kudos to LP national director **PERRY WILLIS** for his keynote address and to **K. BRENT OLSEN** for taking photos while *The Liberator's* staff photog was otherwise occupied. Special thanks to UofU chapter pres. **CHRIS WINSTEAD** for arranging the U's student union theater. It was a perfect, though non-air-conditioned, setting.

Reception: Many thanks, too, to **MARSHA & HUGH BUTLER** for graciously hosting a great reception the night before the convention. If you missed it, you missed on of the best social events of the season. You next chance is the Cook-Out on July 19. See page 2 for details.

Bray Dinner: Thanks to **DAVID SALISBURY** of The Sutherland Institute for his inspiring remarks, and to **ANDREW HOWARD** for taking pho-

tos while *The Liberator's* staff photog was otherwise occupied. We'll publish the pix next issue.

My Election: I don't know whether to be sad or glad I was reelected to this office, but I will continue to do my best to help the Party prosper for the coming two years. Thank you for your support; not only at the convention but in the future. I can't do it without you.

Fund Raiser: We don't have the funds to publish this newsletter every month, nor to do a lot of the other things we need to accomplish. So we have engaged the services of **REX HUDSON** as our "executive director" for the sole purpose of raising funds. If Rex calls you, please give him your full cooperation. Thank you.

Gun Shows: There won't be another such recruiting opportunity in SLC until September 20. But there will be gun shows in St. George on August 16-17 and in Weber County on August 23-24. If you're interested in working those shows, please call me ASAP @ 801/963-1028.

He's Better! We're very pleased to report that **JIM LORENZ'** oncologist says his cancer has been reduced! Jim can be reached at 1127 North 1620 West #2, St. George, 84770. Ph: 652-9442 email: brojim@ted.net. Jim, who flew up for the convention, would love to hear from his friends and fellow Libertarians.

KTKK: Lowell Ponte Award-winner **SCOTT LINDSLEY** invited me to be on the Scott & Stephanie Show on June 11. Thanks, **BILL JONES**, for calling in. **ROB LATHAM** and **KAYLIN ROBINSON** have also been recent guests on KTKK. We hope this voice of liberty station will get its transmission problems resolved soon. 250 watts don't go very far.

July 19: Our cookout host wants to see every Libertarian in Utah at his place, preferably extremely hungry from the I-15 Clean-up. Y'all come, y'hear!

THE ENDLESS VACATION TRUST

An Interesting Proposition

For information, send \$1.00 to me:

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What better way to prove you *really* care about Utah's future than by becoming a member of the Libertarian Party of Utah? Just complete the form below, include your check (or credit card number). For a one-year sub-

scription to this superb newsletter, check that box, and enclose \$15 payment (check or credit card info). If you're already a member, you can help our cash-flow by becoming a Monthly Pledge member. Call 534-8872 for details.



JOIN or SUBSCRIBE

- ☐ **JOIN** — Yes, I want to be a Utah Libertarian. I understand my dues provides annual membership in both the Utah and national Libertarian parties; entitles me to the state party newsletter, *The Utah Liberator*, invitation to all LPUtah social events and political functions, and full voting rights at state and county party meetings and conventions, plus I'll receive the national party's monthly newsletter and am eligible to be a delegate to the national convention. Please sign the Pledge, fill in your information, include payment (make \$25 check payable to: Libertarian Party) and mail.
- ☐ **SUBSCRIBE** — No, I'm not yet ready to be a Utah Libertarian, but I would like to receive *The Utah Liberator*. My check of \$15 for an annual subscription is enclosed.

The Libertarian Party Pledge

I hereby certify that I do not believe in nor advocate the initiation of force or fraud as a means of achieving political or social goals.

Signed: X _____ Date _____

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Constitution for the Libertarian Party of Utah

Ratified in Convention May 31, 1997, Salt Lake City, Utah

Article One: Name & Purpose

A. *Name:* This organization will be known as the Libertarian Party of Utah. In this Constitution, it may also be referred to as the "LPUtah" or the "Party."

B. *Purpose:* The LPUtah is a political party based on the principles of Libertarianism. Supporting the Constitution for the United States of America and Constitution of the State of Utah, the Party's purposes are to:

1. Nominate and support with all available resources candidates for local, state and national offices who subscribe to Libertarian principles;
2. Promote the philosophy and principles of Libertarianism within the State of Utah; and
3. Promote and support Libertarian Party organizations on the county and municipal levels in the State of Utah.

C. *Compliance:* The LPUtah will always be in compliance with local, state, and federal election laws. If there is any conflict between the Party's Constitution and Bylaws and prevailing election laws, Utah law supersedes this Constitution and Bylaws.

D. *Affiliation:* The LPUtah is affiliated with the Libertarian Party, Libertarian National Committee and other similarly affiliated Libertarian organizations throughout the state and country.

Article Two: Statement of Principles

A. Members of the LPUtah subscribe to the Statement of Principles of the Libertarian Party, and specifically believe:

- 1) Each individual possesses the right to life and liberty, and justly acquired property including the right to defend them;
- 2) No person or institution, government or private, has the right to initiate force or fraud against another person, nor to use force against another's property;
- 3) All individuals are entitled to exercise their right of agency, and to choose their own lifestyle as long as they do not forcibly interfere with the equal right of others to live their lives in whatever manner they choose;
- 4) The voluntary exchange of goods and services is a fundamental right of the individual; and
- 5) The only moral basis of govern-

ment is to ensure the individual's freedom from force or fraud.

B. Violation of any one of these principles is cause for expulsion from the Party.

Article Three: State Officers and the State Executive Committee

A. *Officers & Responsibilities:* The State Chair, State Vice-Chair, State Secretary, State Treasurer, and State Legal Counsel, hereinafter referred to without the "State," are individually the LPUtah's state officers and collectively its State Executive Committee (SEC).

1) The Chair is the Party's chief executive officer and presides at all Conventions and at all meetings of the State Executive and State Central committees. The Chair is responsible for appointing new SEC members when such offices become vacant, subject to the consent of the SEC. The Chair serves as the Party's liaison with the appropriate body for all matters relating to the Party's relationship with the state government. The Chair is the Party's official spokesperson for the press and representative to the Libertarian National Committee.

2) The Vice-Chair performs the duties of the Chair when the Chair is, for any reason, unable to perform the duties of the office. The Vice-Chair will also carry out such other duties for the benefit of the Party as directed by the Chair.

3) The Secretary keeps the minutes and records of all Party Conventions and meetings of the State Executive Committee and State Central Committee. The Secretary will report at Conventions concerning such Party activities as the State Central Committee or the Chair directs. The Secretary will make such reports as required by law to the State of Utah.

The Secretary will provide in writing the names of all Party officers, delegates, and candidates to at least one general circulation newspaper within the State of Utah and one news service as well as the national Libertarian Party headquarters, and the Chair for forwarding to the appropriate state government body within five (5) calendar days after their election.

4) The Treasurer is responsible for the LPUtah's financial activities. The Treasurer will report to each meeting of the SEC and SCC, and to Conventions, the current financial sta-

tus, expenditures, and income of the party. The Treasurer will submit to the Secretary any information required for financial reports to the State of Utah. If requested, the Treasurer will assist county treasurers and secretaries in the preparation of their reports, and may audit their records to verify their accuracy.

5) The Legal Counsel provides the SEC and SCC with legal advice relating to Party activities and political matters. To qualify for the position, the Legal Counsel must be an attorney admitted to practice in Utah or a licensed or certified paralegal. If no qualified candidate is elected at the state organizing convention, the SEC may appoint one.

B. *Terms of Office:* State officers are elected for two-year terms at state organizing conventions held during odd-numbered years, and assume office at 12:01 a.m. one day following adjournment of the convention at which they are elected.

C. *Vacancies:* If the office of State Chair falls vacant, the Vice-Chair succeeds to that office. Other LPUtah officer vacancies will be filled by nomination of the Chair and a vote of the State Executive Committee. Officers so elected will complete the term of the office vacated.

D. *Removal from Office:* Any officer of the LPUtah or member of the SCC may be removed from office by a three-fourths vote of the entire SCC.

E. *Qualification:* To be a member of the SEC, an individual must be a member in good standing with at least one full year's membership in the Libertarian Party.

F. *Ad Hoc Positions:* The Chair may at his/her discretion and with the approval of the SEC add ad hoc positions with specific responsibilities, such as political chair, membership chair, publicity chair, fundraising chair, newsletter editor, et al. These ad hoc members may attend SEC and SCC meetings but have no vote.

G. *Meetings & Quorums:* The SEC will meet at least once a month. Three state officer members compose a quorum, providing one of them is the Chair or Vice-Chair. Any state officer who misses any three meetings in a year without satisfactory advance notification may be removed by the State Chair.

Article Four: State Central Committee

A. *Composition:* The State Central

Committee (SCC) consists of the SEC and the County Chairs.

B. *Powers and Duties of the State Central Committee:* The State Central Committee has general charge of the affairs of the Party and enjoys the powers usually exercised by such committees and officers thereof.

C. *Vacancies:* Vacancies in the SCC will be filled by the affected county organization. If there is no county organization, the SEC may fill the vacant position by appointment for the remainder of the vacated term.

D. *Meetings & Quorum:* The SCC will meet at a schedule set by the SEC provided that the SCC meets at least once each quarter. SCC meetings are open to all LPUtah members in good standing, but only SCC members may vote. All SCC members attending constitute a quorum. SCC meetings may be called by 1) the State Chair, or 2) any three members of the SEC, or 3) five members of the SCC, or 4) a petition signed by 25 LPUtah members in good standing. If the meeting is not regularly scheduled, notice must be delivered in writing to each member of the SCC at least ten (10) days prior to the meeting. Receipted email is acceptable notification.

The State Secretary will make the names and addresses of SCC members available on demand to any member in good standing who wishes to convene an SCC meeting.

Article Five: County Party Organizations

A. *Purpose:* Each county with at least five (5) resident members may form a County Party organization with the same purpose and affiliations as the LPUtah.

B. *Organization:* Each County Party will elect at least three officers: Chair, Vice-Chair, and Secretary-Treasurer. Collectively they comprise the County Executive Committee (CEC).

C. *Meetings:* County Parties will meet at least once each quarter. One quarterly meeting must be a convention prior to the state convention.

D. *Reports:* County Chairs will report on the activities of their organizations at each SCC meeting and each state convention.

E. *Membership:* LPUtah members in good standing who reside or vote in a county are automatically members of their County Party. County Parties may not develop their own membership criteria, but may recruit

"county members" in accordance with Article Seven.

F. *Dues*: County Parties may not charge extra dues for membership.

G. *Fund-Raising*: County Parties may raise funds to meet their operating expenses by any legitimate means consistent with our principles. The LPUtah may help fund County Parties by allocating a share of the dues from each member from that county; and no more than 50% of the funds received from the Utah state income tax checkoff from residents of that county. The LPUtah must pay the County Parties their share of tax checkoff funds within 60 days of receipt.

Article Six: Finances

A. *Budget*: The LPUtah's fiscal year runs from January 1 to December 31. By the second quarterly SCC meeting following a state convention but no later than December 15, the Treasurer will submit a proposed budget to the SCC which becomes the Party's budget for the coming year on adoption. The budget may be revised at subsequent meetings by the SCC. The SEC may authorize expenditures outside of the budget.

B. *Financial Procedures*: With the budget, the SCC will adopt a set of financial procedures, a copy of which will be made available to members of the Party. These procedures will include 1) two signatures required for all checks, 2) bookkeeping system, and 3) system for handling cash donations.

C. *Designated Donations*: Any individual may donate funds to the Party for a specific purpose. The LPUtah guarantees such gifts will be used as directed, providing it is consistent with our mission and principles. All such designated donations and their disposition will be included in the regular Treasurer's report. If the SCC decides the purpose for which the donation is made is inappropriate, the person making the gift will be given the opportunity to redesignate his/her gift or have it refunded in its entirety. Nondesignated donations will be put in the Party's general treasury for use at the discretion of the SEC.

D. *Party Debt*: Any Party expenditure for which funds are not currently available must be personally and individually guaranteed in writing by at least one member in good standing of the LPUtah. The SEC may veto any decision to incur such debt. At no time may the Party's debt exceed \$250 without prior approval of the SEC.

E. *Member Audit*: The financial records of the LPUtah may be reviewed once each year by a committee composed of three members in good standing, none of whom are

LPUtah officers, elected for this purpose by the SCC. The report of their review may be presented to the annual state convention. The Party's financial and other records will be made available to members in good standing by appointment.

Article Seven: Membership

A. *Qualification*: Membership in the Libertarian Party of Utah is open to any individual who manifests his/her agreement with the Statement of Principles of the LPUtah by a) paying the required membership dues, and b) signing the Pledge.

B. *The Pledge*: I hereby certify that I do not believe in nor advocate the initiation of force or fraud as a means of achieving political or social goals.

Anyone who applies for membership and does not sign the Pledge will be considered a "subscriber." Conversely, any member who advocates or manifests behavior inconsistent with the Pledge or the Party's principles (see Article Two) may have his/her membership revoked, and may have his/her dues refunded pro rata, or be classified as a "subscriber" by the Judicial Committee.

C. *Membership Classifications*: Members may be classed as:

1) *County*: County members may vote at county organization meetings only at the county chair's discretion; may attend state functions but may be subject to a registration fee. At county and state conventions, they may not vote on any matter relating to the Party's internal business, but may vote for candidates for public office. A County member may not run for Party office, nor for public office as a Libertarian. County members will be entered on the state Party's database and may receive mailings at LPUtah's discretion. County members are not eligible for any LPUtah member discounts. No dues are required, but County members must sign the Pledge.

2) *National*: Includes full voting rights at all county and state conventions; eligible to be a candidate for statewide or federal offices as a Libertarian and a delegate to the LPNatCon; and subscriptions to both the state and national party newsletters, if any.

4) *In-Kind*: The SEC may, on majority vote, waive dues for those rare individuals who have contributed a substantial amount of in-kind labor, materials or service and who cannot otherwise afford the Dues. It is a state-only membership and subject to annual renewal. In-kind members may be nominated by any state or county officer and approval requires majority approval of the SEC. The LPUtah may not have more than four in-kind members in any year.

D. *Good Standing*: A member regardless of classification will be considered to be in good standing provided 1) his/her dues for the current year are paid as required, and 2) his/her membership has not been revoked.

E. *Acceptance and Revocation*: The SCC reserves the right to pass on the acceptability of membership applications and to revoke the membership of any individual who expresses or evidences principles contrary to the LPUtah's.

Article Eight: Judicial Committee

A. *Purpose*: The Judicial Committee arbitrates and decides on all disputes regarding the LPUtah arising between members and the Party, and is the final body of appeal in all matter regarding interpretation of the Constitution and Bylaws.

B. *Composition*: The Committee will be selected at the beginning of each year by the State Chair and composed of from three to seven members who are past state or county officers of the Party and who are not currently serving in any Party office. They will in turn elect one of their number to be Chief Justice who will be responsible for reporting all Committee decisions to the SEC after they are rendered and to the next state convention.

C. *Term of Office*: Judicial Committee members will serve for two years. Vacancies will be filled by the State Chair.

D. *Sessions*: The Committee is not required to meet except when called upon to decide a matter by at least three LPUtah members in good standing.

E. *Decisions*: Judicial Committee decisions require a majority vote. Committee decisions may only be overruled at a state convention by two-thirds vote.

Article Nine: State Convention & Election Procedures

A. *Conventions*: Every year the LPUtah must hold a convention for all members. In odd-numbered years, the Party will hold an organizing convention to elect new state officers. In even-numbered years, the Party will hold a nominating convention to choose candidates for public office and delegates to the Libertarian Party national convention as appropriate. Convention proceedings will be governed by the most recent edition of *Robert's Rules of Order*.

B. *Direct Democracy*: Only National members in good standing and attending the convention may vote on issues or Party candidates that come before them. All members attending constitute a quorum.

C. *Nomination*: Anyone who wishes to be a candidate for a Party or pub-

lic office must be nominated by two individuals other than him/herself.

D. *Majority Rule*: In all elections for Party office, or delegate status, a simple majority is required to elect a candidate.

E. *None of the Above*: In all Party elections for public office, "none of the above" will be offered as an alternate choice until defeated. If that choice prevails, the Party will officially have no candidate in that election and the State Secretary will so notify the appropriate government entity.

Article Ten:

Ratification & Amendment

A. *Ratification*: This Constitution becomes effective immediately upon being approved by a two-thirds majority of those members in good standing present and voting at the LPUtah Convention to which it is presented. It repeals and supersedes any previous Constitution and/or By-Laws.

B. *Amendment*: This Constitution may be temporarily amended by a two-thirds majority vote of the SCC subject to permanent ratification of the voters at any LPUtah convention, with the exception of *Article Two - Statement of Principles* which may be amended only by the three-fourths consent of those voting at the convention. Amendments may be proposed by any three (3) members in good standing by written notice to the State Secretary 30 days prior to the next state convention.

C. *Bylaws*: This Constitution may be supplemented by bylaws governing procedural matters. Bylaws may be proposed and adopted by the SCC and are not subject to approval by the general membership. However, the membership may alter or revoke bylaws at any annual convention.

D. *Notification*: Written notice of all proposed Constitutional amendments must be mailed to all members in good standing at least ten days in advance of the Convention. Such notice need not be made separately from any publication regularly prepared by the LPUtah.

Bylaws

Chapter 1: Annual Dues

Annual dues are payable on joining and subsequently no later than the last day of the month of the anniversary of the member's first dues payment. Annual dues are established as \$25.

Chapter 2: Revenue Sharing

The LPUtah will share annual membership dues with the county organizations as follows:

10-20 members	\$1 per member
21-30	\$2
31-40	\$3
41+	\$4

Revenue-shared funds will be distributed by the State Treasurer quarterly within 30 days of the last day of each quarter.

Chapter 3:

Libertarian Organizing Committee

In the event that the LPUtah does not retain ballot status after any general election, its activities, resources, programs, policies, liabilities, and assets, and organizational structure will be automatically deemed to continue as the Libertarian Organizing Committee. The Constitution, the officers elected and membership attained under it, and the activities of the Party will continue as if ballot status had been retained.

Chapter 4:

State Convention Procedures

Section 1.

Nominating Conventions

A. The Party certifies candidates for partisan offices only by nominating convention. (This does not exclude candidates from running in primaries, but certification of the nomination can only be confirmed by convention.)

B. All members who are in good standing 30 days prior the convention, and who attend it, are eligible to vote.

C. At the time and place set for the state and county nominating conventions, the name of each person who has filed a declaration of candidacy with the appropriate state or county government body may be placed in nomination for the office for which his/her declaration was filed.

D. In order to be certified by the Party, all candidates must be members in good standing, sign the Candidate's Pledge, and stand for election at the appropriate nominating convention. A candidate who files for state or local office as a Libertarian with the appropriate government body but whose candidacy is not affirmed in convention is not a candidate of the Party.

E. Candidate's Pledge: "I promise that if elected I will vote in favor of all matters that lead to a reduction in taxes and government, and expansion of personal freedoms and against all matters causing higher taxes, bigger government, and restrictions on personal freedoms. If I ever act contrary to this pledge, I will publicly apologize and offer to resign."

F. Eligible members will vote immediately following the nominating and seconding speeches made on behalf

of all candidates for office.

G. A member is not eligible to vote unless he/she has presented to the State Chair (or designee) proof of his/her current National membership in the LPUtah. Each member present may cast one vote in each ballot for each office to be filled.

H. Proxy voting is prohibited.

I. If three or more candidates are nominated for the same office, the convention will use multiple ballots. In the case of multiple ballots, the first ballot will be used to reduce the number of candidates to four if more than four candidates participate or by one if four or fewer than four participate. Each following ballot will drop the lowest vote-getter until two candidates remain. The two top candidates will continue the balloting until one achieves a two-thirds majority. If no candidate prevails after the third such ballot, the Party has no candidate for that office unless at least one candidate chooses to participate in the primary election.

J. No later than 12:00 noon of the fifth calendar day following the convention, the State Secretary and State Chair will certify in writing to the county clerk or the appropriate state government body, the name(s) of the Party's nominee(s) as required by law.

Section 2. Electors & Candidates

A. On or before June 1, members will convene at a time and place designated by the SCC in a state nominating convention to nominate candidates for partisan offices and adopt a Party platform.

B. In each presidential election year, the state nominating convention will also choose presidential electors.

C. The gubernatorial candidate nominated by the state nominating convention will nominate a candidate for Lt. Governor who meets the requirements of Utah law. If the convention fails to affirmatively ratify the nominee for lieutenant governor, the gubernatorial nominee shall nominate other candidates until the convention affirmatively ratifies a nominee.

D. The governor and lieutenant governor candidates so nominated by the state nominating convention will run as a joint ticket in the general election.

Section 3. Nomination of Legislative Candidates

When the boundaries of either Utah House or Utah Senate districts are identical or completely within the boundaries of a single county, candidates will be chosen at the county nominating convention containing the legislative district. If a House or

Senate legislative district encompasses more than one county, the candidates will be chosen at the state nominating convention by the members in good standing from within that legislative district.

Section 4. County Organizing Conventions

A. On or before May 15 in each odd-numbered year, a county organizing convention will be held in each county where there is a County Party recognized by the SCC.

B. Each County Party will mail a notice regarding the county organizing convention to every member in good standing in that county. Notification via the state party newsletter will be considered acceptable notice.

C. At the time and place designated by the CEC, the county organizing convention will elect county officers.

D. The convention may also pass on whatever business comes before it.

Section 5. State Organizing Conventions

A. On or before June 1 of each odd-numbered year a state organizing convention will be held at a time and place designated by the SEC.

B. The Party will mail a notice of the state organizing convention to every member in good standing. Notification via the state party newsletter will be considered acceptable notice.

C. The state organizing convention will elect a state officers.

D. The convention may also pass on whatever business comes before it.

Section 6. Candidate Vacancies

If a Party candidate dies or becomes incapacitated before the election, the candidate may only be replaced by one of the following methods:

1. Candidates for county offices or legislative districts totally contained within a county will be replaced by the respective CEC.

2. Candidates for legislative districts that encompass two or more counties shall be replaced by a special caucus of the members in good standing currently residing in the legislative district.

3. Candidates for statewide, state-level offices, U.S. Senator and U.S. Representative will be replaced by the SCC.

Section 7. Resolutions

All resolutions brought before the convention must be submitted in writing complete with mover and seconder signatures and provided in sufficient quantities to distribute to all voting members in attendance.

Chapter 5: Delegates To Libertarian Party National Conventions

A. Selection: The number of delegates is determined by the national

Libertarian Party based on the total number of the LPUtah's National members. Delegates and alternates to LP National Conventions (NatCon) will be elected by majority vote at the State Convention preceding the NatCon. If all allotted delegate and alternate positions are not filled at the State Convention, or if any elected delegate(s) or alternate(s) is/are unable to attend the NatCon, his/her/their delegate positions will be filled by lot from among the elected alternates, or the State Chair may appoint new alternates. At no time may an appointed alternate be a delegate until all elected alternates are delegates. If elected delegates or alternates arrive at a later date, they replace the appointed alternates.

B. *Delegation Chair*: The State Chair is automatically the delegation chair. If the State Chair does not attend the NatCon, the delegation may elect a chair by majority vote.

C. *Delegate Roster*: The delegation chair will maintain a written roster of the delegates and alternates. If a delegate decides to leave the floor and yield his/her position to an alternate, the departing delegate will sign-out on the roster, stating the date, time, and the alternate delegate to take his/her place. The alternate replacing the delegate will sign in. If the departed delegate returns to the floor, the alternate signs out and the returned delegate signs in. The LPUtah delegation may not recognize the vote of any delegate or alternate who is not properly signed in.

D. *Use of Alternates*: With unanimous consent of the LPUtah delegates present, any delegate absent from the convention business meeting for longer than two hours may be replaced by an alternate, even if he/she has not signed out or specified a replacement. The delegation chair will state on the delegate roster the time the delegate left, the time the decision was made, and certify the same by his/her signature. If the absent delegate returns to the floor, that delegate will automatically replace the alternate.

Chapter Six: Interpretive Principles

In case of ambiguity, these bylaws will be interpreted to be consistent with the provisions of the Utah Code Annotated (1953 as amended).

Ratified by the members of the Libertarian Party of Utah meeting at the State Organizing Convention, University of Utah Student Union Theater, Salt Lake City, Utah, Saturday, May 31, 1997.

Got Milk? Got Problems!

by Don W. Johnston

On the heels of the big tobacco lawsuit comes milk addict Norman Mayo, 61, suing Safeway and the Dairy Farmers of Washington for clogged arteries and one minor stroke after a lifetime of drinking whole milk without any warning labels.

Mayo, a former smoker, believes he may have avoided his health problems if warning labels had been placed on milk cartons. "Milk is just as dangerous as tobacco" he said, "and should have similar warnings." Now, Norman Mayo milk-a-holic, drinks only nonfat or skim milk, he's officially sworn off the hard stuff.

In light of this new lawsuit, I figure it is just a matter of time before sugar addicts, coffee addicts, junk food addicts, et al. all start suing their dealers in court for

health damages. Now, that the liberal media and public education has undermined self-responsibility, claiming that we are all brain-dead addicts and victims of slick advertising campaigns, it may become lucrative for the irresponsible amongst us to blame others for their poor health conditions.

Joe Camel made me do it, your Honor. Tony the Tiger got me hooked. It was the Pillsbury Doughboy!

Once we start calling bad habits "addictions," we create an endless list of illnesses to treat and make it easy to pass the blame onto others, since all addicts like zombies are not expected to be responsible for their actions.

I think the lawsuits against the tobacco industry may have opened a Pandora's Box (a lunch

box that is) where the producers of the four major food groups (dairy, meat, chocolate and pizza) may soon find themselves responsible for poisoning the over-indulgent.

What better way for government to start dictating your total diet than by cracking down on all those dangerous things you might consume and the industries that produce them?

Create a public crisis and steal some individual rights, sounds like a government double-decker, with extra sauce and lots of baloney to me.

Trouble is, who is going to produce the food we eat, once we start suing the hand that feeds us? Certainly, everything in life is poisonous and it is merely the dose that determines the fatality.

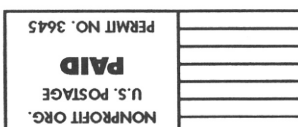
Flag Fringe Issue Part 2

Anyone who argues that fringe on the flag in a courtroom will save them from the law should be aware it won't work.

From United States Code, Supplement to Title 4:

"Claim that federal district court lacks jurisdiction because its flag has yellow fringe on it is not only without merit, but totally frivolous; it has no arguable basis in law or fact." — *Vella v McCammon* (1987, SD Tex) 671 F Supp 1128.

"There is no merit to contention that gold fringe adorning American flag displayed in district justice's courtroom conferred admiralty/maritime jurisdiction." — *Commonwealth v Appel* (1994) 438 Pa Super 214, 652 A2d 341.



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