

## **Libertarian Party of California 2021 Platform Committee**

**Dear Convention Delegates and Members:**

Attached is the final report of our committee for the upcoming state convention. It is the result of work over the past three months by members from across the state. We hope you will take the time to review it, and will find the proposals worth supporting at the convention.

The work of this year's Platform Committee differed in two important ways from what has been done in the past. First, we tried to focus our efforts on two specific kinds of problems with our current Platform, with the goal of presenting you with a set of proposals that would be seen as an improvement by most delegates. Second, we were operating for the first time under new procedures that were adopted at the 2020 convention.

### ***Focus of Our Work***

As a result of the way our Platform has developed over many decades, parts of it have become unwieldy and disorganized. As additions and modifications have been made to planks, sometimes not enough care was taken in where new wording was placed, or about balancing the attention given to new and earlier points, or to maintain consistency of style. Because many ideas are related to each other in many different ways, sometimes too many topics ended up in a single plank. In some cases this resulted in them becoming so long that readers had difficulty finding our positions on any of those topics. These kinds of problems tend to compound, making it harder each year to make further amendments in a satisfactory way.

As we began our work, we reviewed the current document to identify planks that could *most* benefit from rewriting or restructuring. These were often, but not always, the longest ones. We decided that rather than trying to fix everything at once, we would focus on fixing things that would allow us to make as much improvement as possible in the document overall by focusing our attention mainly on the "worst" planks. These changes will not satisfy everybody – there are too many different ideas about what an "ideal" Platform might look like. But we hope that most of you will support making these changes in the spirit we offer them – *as better than what we have now*.

At the same time, because our current Platform was last amended three years ago, we found that there are a number of issues that have attracted the interest of Libertarians and/or the general public that it doesn't yet address. These include cryptocurrency,

alternative voting systems, and the concept of "universal basic income". And of course the recent pandemic has drawn the attention of the public and the media to quite a few problems with government's response.

So those are the two kinds of amendments on which we decided to focus: (1) "cleaning up" some of the planks that seemed in the worst shape, and (2) addressing topics that seemed most urgent to address given recent public policy debate and world events. We have also included a few other proposals, to address points that some committee members felt were important, but our priority was to present you with proposals of those two types (including some where we have addressed new topics as part of a rewrite). We make no claim to have solved all of the problems of these types. But we believe that if you approve the changes that we are proposing, the result will be a far better Platform than the current one. We also see our work as part of an ongoing effort, which we hope to see continued by next year's committee and those that follow. Having a better document from which to start will allow future committees to give more attention to additional improvements.

### ***New Procedures***

Historically, in many years the Platform Committee did not present anything like a complete report until the weekend of the convention. While the amount of work done ahead of time varied from year to year, the committee always met on Friday just before the start of the convention, and most years the final decisions on what would be included were not made until then. This in turn meant that the report itself was often not made available to the delegates until after the convention business had started. This made it very difficult for delegates to do any meaningful preparation for dealing with the proposals.

The 2020 convention amended the bylaw that defines the job of the Platform Committee in three important ways: (1) It requires that the committee report its recommendations to the delegates in advance of the convention. (2) It defines a two-step process for this, with an "initial report" due 30 days before the convention and a "final report" due 10 days before the convention. (3) To make this earlier work possible, it requires the county organizations to make their appointments much earlier (now 90 days rather than 30 days before the convention).

This is the first time these new procedures have been in effect, and I am happy to report that they seemed to work pretty well. Sixteen county organizations made appointments in line with the new earlier appointment requirement. This allowed us to work together over an extended period, which allowed our work to be much better organized than in the past – when sometimes some counties didn't even pay much attention to the existing rule and new committee members would make their first appearance at that Friday

meeting!

This year, we were able to meet (via Zoom) eight times before presenting our initial report. In parallel with those meetings, we made extensive use of a Discord server for presenting and discussing ideas. Once the actual text of the proposals had been developed, we made use of a web-based system that allowed committee members to vote on them asynchronously, so that most of those kinds of decisions did not take up time during the meetings.

### ***Work Since Our Initial Report***

Our initial report was published on the LPC web site, as a PDF, on 14 April. We also made available an "online version", with the individual proposals more easily viewable via the web. Links to both versions were provided to all county organizations the same day via the county\_excom mailing list. Availability of the report was also announced via the "Libertarian Party of California (party business)" group on Facebook, and over the following weeks several additional messages in the form of "polls" were posted in that group, soliciting feedback on some of the more significant proposals.

Other than comments in the Facebook group, we did not receive a significant amount of feedback. However, based on the feedback that we did receive and also as a result of additional review by members of the committee, a number of improvements were proposed, we held one more meeting via Zoom to consider them, and the results of that process are reflected in this final report.

*The majority of the proposals are unchanged from the initial report.* For the benefit of anybody who has already studied the previous language, following is a summary of what has changed. For details of the previous language, please refer to the initial report.

- In the Health and Immigration proposals, the itemized lists were reorganized into "support" and "oppose" sections.
- In the Immigration proposal, a phrase was replaced in the first paragraph.
- In the Freedom of Expression proposal, the first paragraph was rewritten and item B was reworded.
- In the Pandemics proposal, one word was deleted.
- In the proposal for restructuring the Judicial plank, the first two paragraphs of the Juvenile Justice portion were combined and simplified.
- The Police proposal, which was already a complete replacement, was rewritten to be more in the style of other planks and also to more clearly reference issues that have been in the news.
- In the Discrimination plank, one sentence was reworded.
- The format of all itemized lists was made uniform (and consistent with the style used in the rest of the existing Platform).

In addition, during our final meeting revisions were made to the order of presentation, and the proposals have now been assigned numbers accordingly.

### ***Acknowledgements***

I would like to thank the members of the committee for being involved in this process – by being willing to serve, by attending meetings, by drafting text, by participating in the online discussions, by voting on the proposals, and by providing supporting technology. Not everybody participated in all these ways, but enough did that the job got done! I would like to thank the 16 county organizations that made those appointments so we could get to work in accordance with the new schedule. I would also like to thank LPC Chair Mimi Robson for getting us started by providing the mailing list and Zoom facilities and chairing our initial meeting so we could begin our work.

If you have any questions about anything in this letter, or in the report itself, don't hesitate to contact me.

### ***Joe Dehn***

*Platform Committee Chair*

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### **Platform Committee Roster**

Alameda County: Elizabeth Stump  
Butte County: Scott Kent Fowler  
Contra Costa County: Richard Fast, Adrian Malagon (alternate)  
Kern County: Matthew Butts, Anthony Strauss (alternate)  
Kings County: Cheyne Strawn  
Los Angeles County: Jose Castaneda, Rachel Nyx (alternate)  
Merced County: Michael Noguera  
Orange County: Gary Alvstad, David Naranjo (alternate)  
Riverside County: Rodgir Cohen, Jonpaul Cohen (alternate)  
Sacramento County: James Just  
San Diego County: Joseph DePaul  
San Luis Obispo County: Marvin Byrd  
San Francisco County: Jeffrey Yunes, Gregory Michael (alternate)  
Santa Clara County: Joe Dehn  
Sonoma County: Michael Tischler, Sandra Lockwood (alternate)  
Tulare County: Julian Sprague

In addition to the above, the following individuals served as members or alternates for a time but are no longer part of the committee: Tyler Braaten (Kings), Becky Freeman (San Diego), Anthony Fratta (Kern).

# LPC Platform Committee Final Report

4 May 2021

This is a report of proposed changes to the **Platform of the Libertarian Party of California**. The base document to which these proposed changes apply is the version as last amended in 2018.

There are a total of 22 proposals, ranging in complexity from deletion of a few words or moving or replacing one sentence, up to complete rewrites of an existing plank, including in two cases splitting an existing plank into multiple parts.

For each proposal, there is a summary followed by more details. The format of the details varies depending on the nature of the changes being proposed. In the case of an entirely new plank, just the text of the proposed plank is shown. In the case of proposed revisions to an existing plank, if the changes are relatively small there will be a description along with marked up text showing deletions and insertions. In some cases where the changes would only affect one paragraph in a large plank, just that paragraph is shown marked up. In cases where the changes are so extensive that they amount to a rewrite of the plank, the entire text of the existing plank is shown as a deletion and the replacement text is shown as an insertion.

## Table of Contents

- ◆ *Proposal 1*: Revise: IV.6 Official Language
- ◆ *Proposal 2*: Revise: IV.1 Victimless Crimes
- ◆ *Proposal 3*: New Plank: Emergency Powers
- ◆ *Proposal 4*: Revise: IV.19 Marijuana
- ◆ *Proposal 5*: Revise: IV.8 Police
- ◆ *Proposal 6*: New Plank: Universal Basic Income
- ◆ *Proposal 7*: Revise: V.6 Welfare
- ◆ *Proposal 8*: Revise: IV.10 Health and Medicine
- ◆ *Proposal 9*: Revise: IV.21 Legislature
- ◆ *Proposal 10*: Revise: V.8 Money and Banking
- ◆ *Proposal 11*: Revise: IV.5 Immigration
- ◆ *Proposal 12*: Revise: IV.2 Freedom of Expression
- ◆ *Proposal 13*: New Plank: Freedom to Think
- ◆ *Proposal 14*: New Plank: Pandemics
- ◆ *Proposal 15*: Restructure: IV.20 Election Reform
- ◆ *Proposal 16*: Restructure: IV.7 Judicial
- ◆ *Proposal 17*: Revise: IV.7 Judicial (capital punishment)
- ◆ *Proposal 18*: Revise: IV.7 Judicial (three strikes)
- ◆ *Proposal 19*: Revise: IV.7 Judicial (move text to Victimless Crimes)
- ◆ *Proposal 20*: Revise: IV.13 Marriage
- ◆ *Proposal 21*: Revise: IV.4 Discrimination
- ◆ *Proposal 22*: Revise: V.4 Education

# **Proposal 1: Revise: IV.6 Official Language**

Recommended by a vote of 11 to 0

## **Summary**

In the Official Language plank there is a sentence that seems more complicated than necessary. We propose to simplify the wording to make it shorter and easier to understand.

## **Changes**

In the 2nd paragraph, replace "lingua (any of various languages used as common or commercial tongues among people of diverse speech) in a pluralistic society" with "languages in common use by people living in their jurisdiction".

## **Text Showing Revisions**

We oppose the forced imposition or designation by any level of government of any particular language or languages as the official language of the society.

Where governments exist, we expect them to make use of the ~~lingua (any of various languages used as common or commercial tongues among people of diverse speech) in a pluralistic society~~languages in common use by people living in their jurisdictions. When persons wish translations of government documents, they should pay the full cost.

## **Proposal 2: Revise: IV.1 Victimless Crimes**

Recommended by a vote of 11 to 0

### **Summary**

In the Victimless Crimes plank there is a list of activities sometimes treated as evidence of criminal behavior including carrying pagers. Since this is no longer a common activity, we propose to remove that item from the list.

### **Changes**

In item F, delete ", carrying pagers,".

### **Text Showing Revisions**

F. The end of court injunctions that criminalize otherwise legal acts such as wearing certain colors, ~~carrying pagers,~~ or using cellular phones, or restricting the rights of individuals for actions that have not violated anyone's rights.

## **Proposal 3: New Plank: Emergency Powers**

Recommended by a vote of 11 to 1

### **Summary**

The abuse by government of the concept of an "emergency", as justification for assuming additional powers, is a long-standing issue. The recent pandemic has made this issue more prominent, but it applies to many other cases, and will continue to be an issue long after this pandemic is over. This plank challenges the concept of "emergencies" that never end, proposes specific limitations, and specifically mentions as examples both this pandemic and an unrelated case. *(To be added after IV.8 Police.)*

### **Text**

It is basic to the idea of an "emergency" that special action is required for a limited time. A problem can certainly be serious even if it isn't an "emergency". But it is an abuse of any "emergency power" to apply it to issues of an ongoing nature.

The fact that the people of California have been willing in the past to tolerate some violations of their rights for a limited time in cases of actual emergencies, e.g., earthquakes or floods, cannot be accepted as legitimizing similar violations of rights as a way of dealing with changes of a permanent nature, such as the existence of a new disease, or that are expected to take place over decades or centuries, such as rising sea levels.

The best solutions to serious new problems of an ongoing nature are the same as for serious old problems of an ongoing nature – ones based on the consistent application of individual rights and mechanisms for voluntary trade and assistance. The best way for government to help when an emergency becomes an ongoing problem is to get out of the way as soon as possible and allow the market to function.

Therefore we:

- A. Support the inclusion of strict time limits in legislation that authorizes any "emergency powers".
- B. Oppose any "emergency" policies which allow the Governor or mayors to exercise legislative functions beyond the time that the respective legislative bodies can resume operation, or which allow police, military, or administrative officials to exercise judicial functions beyond the time that regular courts can resume operation.
- C. Oppose use of "declarations of emergency" as an excuse to impose regulations or taxes that do not relate directly to addressing the actual emergency.



## **Proposal 4: Revise: IV.19 Marijuana**

Recommended by a vote of 8 to 3

### **Summary**

This expands the scope of the existing plank by mentioning other recreational drugs, describing some of the harms done by the drug war, and addresses the application of federal law in California. To go along with those changes, the name is changed from "Marijuana" to "Drug War and Recreational Drugs".

### **Text Showing Revisions**

#### **Marijuana**

~~We applaud the trend toward legalization and/or decriminalization of marijuana both for medical and recreational purposes. However, we oppose the increase in new laws and regulations that has accompanied this trend, whether such measures are intended as a back-door way to continue prohibition or are simply taking advantage of marijuana's ambiguous legal status to achieve other goals. Specifically:~~

~~A. We oppose measures enacted by the state or by local governments to limit the number of marijuana dispensaries or other businesses.~~

~~B. We oppose the imposition of taxes or fees on marijuana cultivation or sale.~~

~~C. We support the right of individuals to grow marijuana plants for their own use on their own property without regulation or taxation by any level of government.~~

#### **Drug War and Recreational Drugs**

We applaud and encourage the growing state trends toward legalization and/or decriminalization of marijuana, as well as other recreational drugs. The war on drugs not only significantly undermines true civil liberty, it likewise erroneously harms communities by disproportionately increasing violent criminal activity. Furthermore, it is unsustainably expensive and, as history has shown, wildly ineffective. This is why we also vehemently oppose any increase in new laws, regulations, or taxation which seem to accompany the aforementioned trends, given that such measures are clearly intended to discreetly continue prohibition. As such, we support our state's exercise of nullification, in enacting laws removing ourselves from participation in the federal government's drug war, and recognize any attempt of a federal agent to circumvent these laws as an act of aggression to be handled by state authorities.

## **Proposal 5: Revise: IV.8 Police**

Recommended by a vote of 9 to 3

Updated from initial report by a vote of 7 to 1 with 1 abstention

### **Summary**

This is a rewrite of the plank with a different emphasis and structure. The first paragraph lays out general principles. The individual points which follow address specific laws and policies, including several that have been highlighted by recent incidents. This proposal includes changing the name from "Police" to "Policing".

### **Text Showing Revisions**

#### **Police**

~~No person has any special right to make arrest greater than that of any other person. The government monopoly on police protection puts the power of violence in the hands of society's dominant groups, a practice which inevitably harms minority groups. We note with alarm the increasing numbers of individuals shot by police, as well as growing police harassment and brutality. We therefore call for decentralization of police protection to the neighborhood level whenever full privatization is not possible. We oppose the expansion of federal police forces anywhere, and particularly into California.~~

~~We oppose police officers using unnecessary force on the disorderly or the criminally accused or handing out what they may consider to be instant punishments on the streets. We further deny that police have such inherent authority. Instant punishment policies deprive the accused of important checks on government power, juries and the judicial process.~~

~~Laws must ensure that peace officers are prosecuted if they violate people's rights, and if local prosecutors fail to indict, then the office of the state Attorney should investigate the incident.~~

#### **Policing**

The government monopoly on policing grants special privileges and the power of violence to a few appointed individuals – this can lead to abuses of power and violations of individual rights. We believe that when people or governments seek to maintain law and order, individual rights must be protected; no person or government is entitled to special privileges or immunities when they violate people's rights; decentralization, privatization, and voluntary association are preferable to centralized, government policing; and the proper role of law enforcement in a free society is to help protect people from violence, property crimes, and fraud.

Therefore, we support:

A. Clear and strict standards, and training, on the use of force by police and consequences when excessive force or instant punishment is used.

B. Policies that reduce confrontations and minimize the need of the public to have formal interactions with police.

C. Full accountability and transparency for misconduct and wrongdoings committed by police officers and other government agents.

D. The repeal of all civil asset forfeiture laws.

E. Ending the legal doctrine of qualified immunity.

F. The decentralization of police protection to the neighborhood level whenever full privatization is not possible.

In addition, we oppose:

A. The use of "no-knock" warrants, which often result in tragic encounters with police.

B. The transfer and use of military equipment and tactics by local law enforcement.

C. The use of tax dollars to satisfy judgments against police officers.

D. The expansion of federal police forces into California.

## **Proposal 6: New Plank: Universal Basic Income**

Recommended by a vote of 6 to 4 with 1 abstention

### **Summary**

This plank states our opposition to the idea of "universal basic income", an idea that is getting increasing mention in public policy circles and the general media, and which is very appropriate for our state platform because there are several cases of tests/demonstrations in California. *(To be added after V.6 Welfare.)*

### **Text**

Any government-supported "universal basic income" scheme is just another form of welfare, and we object to it for the same reasons. "Guaranteeing" income to everybody inevitably will involve taking income or assets from many people through taxation or inflation, violating their rights, making the overall economy less productive, and further leading the population as a whole toward a condition of serfdom. In addition, while we recognize and support the right of private individuals to provide financial assistance to anyone they deem deserving, and to experiment with ways of doing that which may resemble universal basic income, we oppose government sponsorship of such "test programs" since their transparent, and often even explicitly acknowledged, purpose is to promote the idea for eventual implementation by government.

## **Proposal 7: Revise: V.6 Welfare**

Recommended by a vote of 11 to 0

### **Summary**

This proposal reduces the size of the current plank. It reorganizes and combines a few of the paragraphs as well as some of the bullet points. There are a few sentences added and word changes made, but the concepts are the same. Also, there are a couple of sentences added about individuals, rather than the government, knowing what is best for themselves, to emphasize the importance of autonomy.

### **Text Showing Revisions**

~~Government welfare programs violate the individual rights of two groups: those who have their property coercively taken from them and given to others, and those who receive this stolen property and whose economic lives are, thus, extensively controlled by the State. The need of one person is not a claim on another, and we therefore urge an end to government welfare programs.~~

~~We believe that ending government interference in the economy will greatly decrease the need for welfare.~~

~~The current oppressive burden of taxation and government provision of welfare impair and stifle the ability of people to make donations to meet the needs of those who cannot support themselves.~~

~~We also recognize that there exists a large group of oppressed people whose very survival is currently dependent on welfare programs. This group was largely created by State action. Many groups in our society are subsidized with tax money, but only the poor are blamed for it, even though their potential jobs are destroyed by minimum wage and licensing laws and their homes are destroyed by Community Redevelopment Agencies.~~

~~We advocate the development of private voluntary programs to aid the dependent and oppressed to become truly independent, self-supporting, productive individuals. We therefore call for:~~

~~A. An end to participation by the State of California in the Food Stamp, school lunch and Medi-Cal programs.~~

~~B. The end of State aid to families with dependent children, State aid to the disabled, and general relief programs.~~

~~C. The privatization of state, county, and district hospitals and other government-funded health services.~~

~~D. The privatization of government-funded job training, retraining, and employment development programs.~~

~~E. The privatization of state-supported child care.~~

~~F. The non-adoption by the State of California of welfare programs terminated by the federal government.~~

Government welfare programs violate the individual rights of two groups: those who have their property coercively taken and redistributed to others, and those who receive this stolen property and whose economic lives are controlled by the State. The need of one person does not lay claim to the property of another, and we therefore urge an end to government welfare programs.

The least oppressive solution to ending poverty is through voluntary means. The current burden of taxation and government provision of welfare impairs the ability of people to make donations to meet the needs of those who cannot support themselves. We advocate the development of private voluntary programs to aid the dependent and oppressed to become truly independent, self-supporting, productive individuals.

We believe that individuals know what is best for themselves. The government cannot fully understand the needs of the individual. In the process of attempting to address the needs of the poor, the government creates additional problems such as welfare dependency, loss of jobs through minimum wage and licensing laws, and increased rent prices through zoning and land use regulations. Ending government interference in the economy will greatly decrease the need for welfare.

We therefore call for:

A. The privatization of government-funded services, such as hospitals, health services, job training and retraining, employment development programs, and childcare.

B. The end of State aid to families with dependent children, State aid to the disabled, and general relief programs.

C. An end to participation by the State of California in the Food Stamp, school lunch, and Medi-Cal programs.

D. The non-adoption by the State of California of welfare programs terminated by the federal government.

## **Proposal 8: Revise: IV.10 Health and Medicine**

Recommended by a vote of 11 to 0

Updated from initial report by a vote of 8 to 1

### **Summary**

The existing plank is too long and wordy. The rewritten text covers the same points in a more compact way. This proposal includes changing the name from "Health and Medicine" to "Health Care".

### **Text Showing Revisions**

#### **~~Health and Medicine~~**

~~The health and physical well-being of individuals should be matters of personal choice and responsibility. The State should not be involved in the regulation of medical care or in the delivery of health care. An individual should have the right to choose among any available health practices. Similarly he or she has the right to refuse, accept or modify treatment or other care.~~

~~Therefore, we advocate the following reforms:~~

~~A. An end to all government licensing and certification requirements for the practice of medicine. We advocate private certifications to increase competition and promote patient education and safety.~~

~~B. The repeal of laws and regulations which prohibit and otherwise curtail the selection and practice of unorthodox medical procedures.~~

~~C. An end to all restrictions by the U.S. Food and Drug Administration as well as state and local agencies on the use of medicines or other treatments.~~

~~D. An end to forced or mandated medication such as fluoridation of water, compulsory vaccination, and involuntary sterilization.~~

~~E. An end to compulsory hospitalization.~~

~~F. The repeal of those laws and regulations which restrict and inhibit the practice of lay midwifery and planned out-of-hospital births and which permit harassment of lay midwives and home birth practitioners.~~

~~G. The repeal of laws and regulations which discourage the development of privately funded medical facilities such as women's health clinics and free-standing birth centers.~~

~~H. An end to government subsidies to, and regulation of, all schools of medicine, nursing, and the allied health care professions~~

~~I. In order to revive price competition and consumer cost-consciousness in the medical industry, we would provide tax breaks not only for employer-provided health plans (whose value is not currently taxed as income), but also individual tax credits so that families and individuals can choose their own health plans.~~

~~J. We oppose all attempts to abridge the individual rights of persons with AIDS.~~

~~K. For the health and safety of society, we oppose laws or regulations limiting the availability of sterile needles.~~

~~L. The repeal of all laws mandating any non-consensual relationship between a health care provider and patient.~~

~~M. The repeal of laws that force doctors and other health care professionals to report to the government the affairs of their patients, for example, medical records.~~

~~As financing of medical and health care is the responsibility of the individual, tax monies should not be used to fund it, nor should government programs force anyone to subsidize the health care costs of others. We therefore oppose:~~

- ~~1. all government-funded medical programs such as Medi-Cal;~~
- ~~2. tax-supported abortion services, neo-natal care, and research facilities;~~
- ~~3. grants and subsidies to members of the medical profession;~~
- ~~3. use of tax funds to extend health insurance to the uninsured;~~
- ~~4. laws requiring businesses to provide health insurance to employees;~~
- ~~5. laws requiring individuals to purchase insurance or taxing them for not doing so;~~
- ~~6. laws requiring insurance companies to insure persons or conditions they choose not to insure.~~

## **Health Care**

The health and physical well-being of individuals is a matter of personal choice and responsibility. We recognize the right of individuals to make decisions about all aspects of their medical care including insurance coverage, health providers, medicines, treatments, and end-of-life decisions. We favor free-market health care solutions and believe the government should not be involved in regulating, funding, or subsidizing medical care or the delivery of health care – we advocate for the removal of government mandates and interference with competition, price transparency, and consumer choice in healthcare markets.

Therefore, we support:

- A. An end to government licensing and certification requirements for the practice of medicine and advocate private certifications, which will increase competition and promote patient education and safety.
- B. An end to all government restrictions – by the U.S. Food and Drug Administration or state and local agencies – on the use of medicines or medical treatments, the selection and practice of unorthodox medical procedures, the practice of lay midwifery and planned out-of-hospital births, or the availability of sterile needles.
- C. The repeal of regulations that discourage the development of privately-funded medical facilities, such as women's health clinics and free-standing birth centers.
- D. The repeal of laws that force doctors and other health care professionals to report the affairs or medical records of their patients to the government.
- E. An end to government subsidies to, and regulation of, all schools of medicine, nursing, and the allied health care professions.
- F. Tax breaks not only for employer-provided health plans – whose value is not currently taxed as income – but also individual tax credits so that families and individuals can choose their own health plans.

In addition, we oppose:

- A. Government-forced or mandated medication and medical procedures, such as fluoridation of water, compulsory vaccination, involuntary sterilization, compulsory hospitalization, or any non-consensual relationship between a health care provider and patient.
- B. All attempts to abridge the individual rights of persons with AIDS.
- C. Any government mandates requiring businesses to provide health insurance to employees, requiring individuals to purchase insurance or taxing them for not doing so, and requiring insurance companies to insure persons or conditions they choose not to insure.
- D. All government-funded medical programs such as Medi-Cal or any type of government-run healthcare system; tax-supported abortion services, neo-natal care, and research facilities; grants and subsidies to members of the medical profession; and the use of tax funds to extend health insurance to the uninsured.



## **Proposal 9: Revise: IV.21 Legislature**

Recommended by a vote of 11 to 0

### **Summary**

The existing plank on this subject has three paragraphs which address basically the same point – the number of people represented by each legislator. This proposal consolidates the language of those paragraphs into one, while leaving the last paragraph (which addresses a different point) unchanged.

### **Changes**

Replace the first three paragraphs with one paragraph.

### **Text Showing Revisions**

~~The legislature is meant to have a real and effective connection with the people. To that end, there should be enough legislators to allow all people access to their elected representatives. California has only 40 Senators and 80 Assembly members to represent a population of almost 40 million.~~

~~To promote the ability of citizens to develop and maintain healthy relationships with those who represent them, California should increase the number of electoral districts, thereby decreasing the number of citizens within each district. This would also have the benefit of eliminating the need for officeholders to waste their time as perpetual fundraisers, and would reduce the power of the elected to unethically benefit from their positions.~~

~~It is the position of the Libertarian Party that the people should have adequate representation in their legislature and that the number of representatives should increase as the population grows.~~

The legislature should have a real and effective connection with the people, so that citizens can develop and maintain healthy relationships with those who represent them. California has only 40 Senators and 80 Assembly members to represent a population of almost 40 million. The number of districts should be increased, thereby decreasing the number of citizens within each district, and the number of districts should increase as the population grows. This would also reduce the need for officeholders to waste their time as perpetual fundraisers, and would reduce their power to unethically benefit from their positions.

Additionally, we oppose a full-time legislature in California and support efforts to make the job of legislator at most a part-time one with drastically reduced salaries, staff, and expenses.

# **Proposal 10: Revise: V.8 Money and Banking**

Recommended by a vote of 9 to 1 with 1 abstention

## **Summary**

The existing plank on this subject is repetitive and unnecessarily wordy. It also doesn't mention cryptocurrency or the way government makes use of banks to track people, which have become important issues in recent years. This replacement simplifies the language, gives equal treatment to cryptocurrency and gold as alternative kinds of money, specifically addresses requirements for reporting of transactions, and drops one obsolete point, while still addressing all of the remaining important points mentioned in the current plank.

## **Text Showing Revisions**

~~We call for the repeal of all legal tender laws and reaffirm the right to private ownership of, and contracts for, gold. We favor abolition of government fiat money and compulsory government unit of account. We favor the use of a free-market commodity standard, such as gold coins denominated by units of weight. We favor deregulation of financial institutions and other businesses by ending the following:~~

~~A. Requiring the chartering of banks.~~

~~B. State usury laws.~~

~~C. The limiting of branch banking.~~

~~D. The governmental definition of different classes of financial institutions.~~

~~E. The proscription of types of business which financial institutions are allowed to conduct including the underwriting and sale of insurance.~~

~~F. The prohibition of branches of out-of-state banks.~~

~~G. All laws or regulations controlling, regulating, or prohibiting the raising of funds or the sale of securities by an individual, partnership or corporation for any legal business purpose.~~

~~H. The Equal Credit Opportunity Act, the Community Reinvestment Act and other measures that force banks and mortgage companies to fulfill quotas in making mortgage loans, and the federally sponsored lending code drawn up by the U.S. Department of Housing and Urban Development that seeks to impose such quotas under the guise of voluntary social responsibility. Such measures enforce governmental group preferences and will artificially channel scarce capital into unproductive projects.~~

Because money is so important and the government has a historical tendency to abuse it, we call for ending government definition of and control over money. Individuals and businesses should be free to use gold, cryptocurrencies, or any other medium of exchange, store of value, or unit of account as they choose, without being subject to additional taxation or reporting requirements.

We favor deregulation of the financial industry by ending the following:

A. Restrictions on banks providing other services or on other entities providing services traditionally provided by banks, or government definition and chartering of different classes of banks.

B. Requirements that transactions be reported to the government.

C. Regulation or manipulation of interest rates.

D. Policies that require lenders to meet quotas for making loans to demographic groups or geographic areas, or to make loans to borrowers who do not meet their standards of creditworthiness.

E. Laws and regulations controlling or prohibiting the raising of funds or the sale of securities, or "protecting" ordinary people from buying them.

## **Proposal 11: Revise: IV.5 Immigration**

Recommended by a vote of 11 to 0 with 1 abstention

Updated from initial report by votes (two changes) of 7 to 1 with 1 abstention and 9 to 0

### **Summary**

The existing plank is too long and wordy. The rewritten text covers the same points in a more compact way, except for one point about driver's licenses which appears to no longer be relevant.

### **Text Showing Revisions**

~~We hold that all human beings have rights, not merely the citizens of a particular country. Although private owners have the right to restrict others from trespassing on their property, government restrictions on the liberty of travel, residence, and employment, such as immigration and emigration laws, mandatory identification papers, and work permits, are violations of human rights, and we call for their abolition.~~

~~Therefore, we:~~

~~A. oppose mandatory reporting by employers of their employees' nationalities.~~

~~B. oppose fining employers who hire so-called illegal aliens.~~

~~C. oppose wholesale dragnets that round up immigrants and other people from their homes or workplaces.~~

~~D. oppose any requirement that a first-time applicant for a driver's license must show proof of legal residency.~~

~~E. oppose any requirement that employers who hire so-called illegal aliens forfeit their assets to the government.~~

~~F. oppose any requirement that all employees in California must carry an identification card.~~

~~G. oppose the use of the California National Guard or the U.S. military to control California's border with Mexico.~~

~~H. oppose the construction of a fence or wall along the U. S. border.~~

~~We defend the rights of noncitizens of the U. S. to seek work, trade, and live within this country, just as we defend current citizens when they wish to exercise these same rights. We oppose attempts to violate the rights of so-called illegal aliens because they receive the benefit of certain government programs. In any conflict between rights and programs, we support abolition of the government program and affirmation of individual rights. Most people come to this country to work, not to collect welfare; nevertheless, we oppose welfare payments to them just as we oppose welfare payments to all other persons.~~

We hold that all individuals have rights as human beings, not merely as citizens of a particular country. We defend the rights of citizens and noncitizens of the U.S. to seek work, trade, and live within this country and the right of employers to freely hire workers – individuals should not be constrained in the crossing of political boundaries, as the unrestricted movement of people and financial capital across national borders are important for economic freedom, political freedom, and a vibrant free-market economy.

Therefore, we support:

A. The right of private property owners to restrict people from trespassing on their property and their right to provide sanctuary to persons who face arrest or deportation as immigrants.

B. An end to mandatory reporting by employers of their employees' nationalities.

C. An end to the practice of fining employers who hire undocumented immigrants and any requirement that those employers forfeit their assets to the government.

D. An end to wholesale dragnets that round up undocumented immigrants or others from their homes or workplaces.

In addition, we oppose:

- A. Any government mandate that employees in California must carry identification cards or papers.
- B. The use of the California National Guard or the U.S. military to control California's border with Mexico.
- C. The construction of a fence or wall along the U.S. border.
- D. The payment of welfare benefits to noncitizens and citizens alike.

## **Proposal 12: Revise: IV.2 Freedom of Expression**

Recommended by a vote of 9 to 2

Updated from initial report by votes (two changes) of 8 to 1 and 9 to 0

### **Summary**

This rewrite makes the plank more organized and readable by condensing/simplifying/combining some of the existing points, while also adding some new points. It begins with a general statement that government should not restrict or compel expression, followed by lists showing how these principles apply to various forms of expression.

### **Text Showing Revisions**

~~While we do not advocate the desecration of the national or state flag, we oppose any laws prohibiting the desecration of any flag and we oppose any constitutional amendment giving federal, state or local government the power to enact such laws. However, we do support the property rights of flag owners.~~

~~The United States Supreme Court has held that each community has the power to censor distribution of materials considered to be obscene according to "community standards." We hold that obscenity is a matter of individual taste and that government should not prohibit something merely because some people are offended by it.~~

~~We support the repeal of all laws restricting or controlling the right of adults to make, distribute, possess or view sexually explicit motion pictures, publications and other materials. We also support the repeal of all laws prohibiting the electronic receipt of such materials.~~

~~We oppose the policy of relegating protesters and demonstrators to so-called free speech zones purportedly for security reasons but which in reality are actually used to insulate officials from criticism.~~

~~We deplore the practice of government invasion of newsrooms, or the premises of any other non-suspect third parties, such as lawyers, doctors and psychiatrists, in the name of law enforcement.~~

~~We condemn court orders prohibiting press and electronic media coverage of criminal proceedings. In addition, the media should not be prohibited from communicating with prisoners, without due process.~~

~~We support the complete deregulation of television, radio, cable, the Internet and all other forms of communication. Because freedom of speech, association and thought are essential, the right of the people to use communications networks, such as blockchain, shall not be infringed.~~

~~Since we favor application of the First Amendment to public entities, while upholding the right of private enterprises to make their own rules governing their own property, we oppose the enactment — at colleges and universities that are primarily tax-funded — of speech codes that ban language that is deemed offensive or policies which prevent students from hearing views that are unpopular.~~

~~Government proposals to finance and control political campaigns are an encroachment upon freedom of expression. These proposals limit financial support of campaigns for candidates or issues, and thus restrict the individual's ability to express political views.~~

~~We oppose any government action that permits political activities in violation of private property rights, such as the circulation of petitions in private shopping malls against the wishes of the owners.~~

Individuals have the right to hold their own ideas and opinions, and to express and receive ideas, opinions, and information. Government should not – itself or in cooperation with private entities – compel, censor, or regulate expression, or any methods of communication, including in cases where the public may deem such expression as offensive or obscene.

Specifically, we support:

A. Open debate or expression in a "marketplace of ideas".

B. The ability of private individuals, groups, and companies to prohibit subjectively offensive material on their property, physical or virtual.

C. The deregulation of television, radio, cable, the internet, blockchain, and all other forms of communication.

D. The right of suspects, defendants, and convicted criminals to open criminal proceedings and communication with the media.

In addition, we oppose:

A. The use of political violence and vandalism, including at protests.

B. Interference or intimidation by government in news media, such as by prosecuting whistleblowers, suing journalists, discrediting the media, or raiding newsrooms.

C. Speech codes, dress codes, clothing mandates, and other policies that restrict discussion of ideas in public spaces or at public colleges and universities, or limit such expression to "free speech zones" or other designated areas.

D. Restrictions of the right of adults to make, distribute, possess or view sexually explicit material.

E. Bans on flag burning and mandates to salute a flag.

F. Mandates to conceal beliefs or profess any religion.

G. Requirements that property owners post material or allow others to use their property as a venue for expressing views.

H. Regulations that limit the content or financial support of political campaigns.

## **Proposal 13: New Plank: Freedom to Think**

Recommended by a vote of 10 to 0

### **Summary**

In reaction to various technological and social developments, government is threatening not only our ability to communicate ideas to other people ("freedom of expression"), but even how we are permitted to manipulate and store information for our own use – in our own minds and our own records. Some of these restrictions are only ideas for now, just waiting for some "incident" to give government an excuse to act, while others have already been enacted in various other countries and could spread here. This plank states our clear opposition to any government interference in such a fundamental feature of human life. *(To be added after IV.3 Protection of Privacy.)*

### **Text**

The ability to think – including the abilities to reason, to hypothesize, to remember, and to imagine – is a fundamental characteristic of human beings, and the basis of individual, cultural, and economic progress. We oppose all efforts by government to interfere with thought, the ability of individuals to exercise their ability to think, and the use of technology to enhance their ability to think. We oppose any policies which would define certain ideas or ways of thinking to be "criminal", any attempts by government to restrict who can use computer hardware or software, any restrictions on individuals incorporating such technology voluntarily into their own bodies to enhance their ability to think, any attempts to regulate or tax the processing or storage of information, and any government mandate that existing knowledge be destroyed or "forgotten".

## **Proposal 14: New Plank: Pandemics**

Recommended by a vote of 10 to 2

Updated from initial report by a vote of 9 to 0

### **Summary**

This plank addresses very current and very prominent issues associated with the current pandemic, but in a way that would apply equally to any future pandemic. It states in general terms our view that a proper approach must respect individual rights and take advantage of market forces, then provides a list of things that have been done by government which we oppose. *(To be added after IV.10 Health Care.)*

### **Text**

Pandemics present serious problems for individuals and for society which must be addressed, but as with all other challenges they must be addressed while respecting individual rights, and they can best be addressed through the mechanisms of voluntary action and the market. Experience has shown that failure to adhere to these principles has led to widespread violations of rights, loss of life that could have been avoided, poor allocation of resources in addressing the problem, and severe damage to the economy and society as a whole.

We oppose actions by any level of government that:

- A. "Lock down" or otherwise generally limit the freedom of movement in a geographic area.
- B. Quarantine any individuals absent specific evidence that they are contagious.
- C. Force businesses, churches, or other organizations to stop operating or limit their hours.
- D. Prevent individuals from acquiring and using medicines, vaccines, masks, or any other product that they believe may be helpful to them.
- E. Ration access to such products by age, occupation, or other personal characteristic.
- F. Require any individuals to make use of any such products or other preventive measures.
- G. Prevent private businesses and property owners from requiring protective measures they judge necessary for the protection of themselves and their employees, customers, or guests,
- H. Discriminate against certain businesses or industries by declaring them "non-essential".
- I. Require use of a government-issued internal passport or require businesses to make use of any privately-issued equivalent.



# **Proposal 15: Restructure: IV.20 Election Reform**

Recommended by a vote of 9 to 1 with 1 abstention

## **Summary**

The existing plank is too long and it is disorganized. Paragraphs on related topics have been added over the years in an order that does not reflect those relationships, with the result that it is difficult both to read it straight through and also to find our position on a specific topic. In addition, we have some important new points we want to address, and if we just inserted those into the plank as it is structured now that would make things worse. This proposal would replace the existing plank with three shorter ones: "Political Campaigns", "Candidates and Parties", and "Voting Systems". The first two consist entirely of sentences from the existing plank, but organized in a more logical way. The third has been rewritten to cover the remaining existing ideas in a more concise way while also addressing two significant new topics: alternatives approaches to electing people to office (e.g., ranked choice, proportional representation) and secure electronic ballots.

## **Text Showing Revisions**

### **~~Election Reform~~**

~~We oppose the Top Two voting system in California which disenfranchises voters who support alternative parties, and call for its repeal.~~

~~The selection of a candidate by a political party is a matter in which the State has no legitimate interest.~~

~~We therefore oppose the system of tax-financed primary elections and call for the nomination of all candidates without governmental supervision or intervention, as a private matter involving only the members of the party concerned.~~

~~We also oppose laws which forbid partisan political designations in local elections and, at the state level, for the office of Superintendent of Public Instruction.~~

~~We further oppose all proposals to regulate the broadcasting of election results, and all laws governing the broadcast coverage of campaigns, including the fairness doctrine, the equal time rule, and the reasonable access provision.~~

~~We oppose any limitation on the amount of money an individual, group, or corporation can spend supporting any candidate or ballot issue on the federal, state, or local level. We also oppose the public financing of election campaigns and the mandatory reporting of campaign donations and expenditures.~~

~~We support the right of any political party to nominate or endorse the candidates of its choosing for public office, even when those candidates are the nominees or endorsees of another political party or parties.~~

~~To avoid fraud and manipulation, we oppose direct record electronic voting systems that do not use a voter-verified paper ballot as the ballot of count, recount, audit and record. We support a voting system that is open, transparent and auditable with which each individual can verify at the time of voting that his or her vote has been correctly recorded and with which the public can verify that the votes have been correctly counted.~~

~~The ballot choice in California elections does not always offer a true difference of philosophy between candidates. The electorate often has no positive feelings toward any candidate, but, on the contrary, often has distinctly negative feelings toward all candidates. Therefore, the Libertarian Party of California endorses:~~

~~A. Placing on all election ballots, beneath each election office, the option "none of the above is acceptable."~~

~~B. The provision that any elective office remain vacant if the category "none of the above is acceptable" receives a plurality of votes, until a subsequent election to fill the office is held.~~

~~We call for the abolition of the State Constitutional Office of Lieutenant Governor, which has no real purpose.~~

## **Political Campaigns**

We oppose any limitation on the amount of money an individual, group, or corporation can spend supporting any candidate or ballot issue on the federal, state, or local level. We also oppose the public financing of election campaigns and the mandatory reporting of campaign donations and expenditures.

We further oppose all proposals to regulate the broadcasting of election results, and all laws governing the broadcast coverage of campaigns, including the fairness doctrine, the equal time rule, and the reasonable access provision.

## **Candidates and Parties**

The selection of a candidate by a political party is a matter in which the State has no legitimate interest. We therefore oppose the system of tax-financed primary elections and call for the nomination of all candidates without governmental supervision or intervention, as a private matter involving only the members of the party concerned.

We support the right of any political party to nominate or endorse the candidates of its choosing for public office, even when those candidates are the nominees or endorsees of another political party or parties. We also oppose laws which forbid partisan political designations in local elections and, at the state level, for the office of Superintendent of Public Instruction.

We call for the abolition of the State Constitutional Office of Lieutenant Governor, which has no real purpose.

## **Voting Systems**

Voting systems should be designed to represent as well as possible the actual preferences of the electorate and to provide confidence that votes are being accurately counted. Current systems are failing us in both respects.

Many alternative systems exist which could allow voters to better express their preferences, avoiding issues like "wasted votes", and even potentially lower the cost of holding elections. Ranked choice and approval voting are well known examples. We urge the legislature and local jurisdictions to give these systems serious consideration. The current Top Two primary system is inferior to any of these and disenfranchises voters who support alternative parties, so we call for its repeal.

Current approaches to promoting "diversity" in city councils and similar multi-member bodies often make things worse. Electing members by geographic district doesn't ensure diversity along any dimension, and may actually make it harder for some kinds of minorities to be elected. We urge consideration of proportional representation systems such as "single transferable vote", to give all segments of the population, whether considered in terms of race, economics, or ideology, more opportunity to be represented on such bodies.

Voters frequently have no positive feelings toward any candidate, but rather distinctly negative feelings toward all of them. Therefore we propose placing on all ballots, for each elective office, the option "none of the above is acceptable" which, if it receives a plurality of the votes, would result in the office remaining vacant until a subsequent election.

We support voting systems that are open, transparent, and auditable. To avoid fraud and manipulation, we oppose systems which do not allow voters to confirm that their votes have been recorded and for the public to be able to verify that the totals are correct. Modern cryptographic technology opens up the possibility of secure and auditable electronic voting, and we urge adoption of such systems as soon as possible. In the meantime, we oppose electronic voting systems that do not have these properties, unless they incorporate a voter-verified paper ballot as the ballot of count, recount, audit, and record. If no electronic system is available that meets these transparency and audit criteria, simple paper ballots with counting by hand open to observation would be the better choice.

## **Proposal 16: Restructure: IV.7 Judicial**

Recommended by a vote of 8 to 2 with 1 abstention

Updated from initial report by a vote of 8 to 1

### **Summary**

The existing Judicial plank is the longest in our platform, by a significant margin. Over the years it has been expanded to cover too many different topics. Not only is it long, but because the paragraphs and the items in the very long lettered list are not grouped in a logical way, it is very hard for readers to follow or to find our position on a topic in which they may have a specific interest. This proposal would restructure our treatment of these topics by splitting it into five more readable and more manageable planks each with a separate focus. Some of the language has also been rewritten for clarity or brevity, but the intent of this proposal is to leave the overall meaning unchanged, without adding new positions, and without affecting any other plank. A few specific points were left out because they seemed overly specific in discussing particular categories of crime (hate crimes, rape) or referenced an agency (CYA) in a way that is no longer applicable. *Note: We are also proposing moving one point that is now located in this plank into another existing plank, and two changes that we think are more likely to be controversial, but those changes are not included here – they are being presented separately, as Proposals 17-19.*

### **Changes**

Replace the existing "Judicial" plank with planks titled "Judicial System", "Juries", "Due Process", "Crime and Punishment", and "Juvenile Justice", in that order, covering basically the same ideas.

### **Text Showing Revisions**

#### **Judicial**

~~The only crimes are crimes of violence or threat of violence, property loss, and fraud.~~

~~We believe that the so-called legislative police power, which was incorporated into the American justice system upon its formation, should be completely eliminated from American jurisprudence. The state should not have the power to define public necessity, public policy, the public interest or to make legislation related thereto.~~

~~The judicial process should be an earnest attempt—by due process of law—to extract reasonable restitution from a person convicted of a crime and to convey that restitution to the victim, to imprison or exclude criminals from society when necessary, to hold persons liable for damage they do, and to fairly settle contract disputes.~~

~~The failure of the government judicial system to apply these principles has led to the inability of its courts to administer justice and to the near-collapse of public confidence in the American judicial system.~~

~~We support the concept that law should impose penalties proportional to the gravity of the violation of others' rights, and prison sentences should be served in their entirety, unless the victim pardons the perpetrator. Unfortunately, the existing Three-Strikes-and-You're-Out law fails to focus on the truly violent career criminals who are the greatest threat to their victims. Enhanced prison sentences and life imprisonment for multiple criminal acts should be reserved for perpetrators of violent crimes. Prison space for these enhanced sentences should be made by pardoning those prisoners who were incarcerated for victimless "crimes".~~

~~All persons should be equal before the law and entitled to due process of law. Due process should determine innocence or guilt in a manner designed to protect the individual rights of all persons concerned, both the accused and the accuser. We hold that individuals may settle their differences outside the court, if both so agree.~~

~~Until such time as persons are proven guilty of crimes, their individual rights shall be accorded full respect. We therefore advocate the following judicial reforms:~~

~~A. The repeal of all civil asset forfeiture laws.~~

~~B. Full protection of the rights of the accused, including complete access to all available records, information, or evidence (held by the courts or voluntarily submitted) to be used in the prosecution of the case.~~

~~C. Full restitution of loss incurred by persons arrested, indicted, tried, imprisoned, or otherwise injured in the course of criminal proceedings against them which do not result in their conviction by the accuser, be it a law enforcement agency or private individual.~~

~~D. The termination of all "preventive detention" procedures. No individual shall be detained or otherwise denied freedom of movement without formal charges being filed immediately following arrest.~~

~~E. All jury trial findings shall be by unanimous decision, except that the parties to an action or proceeding may consent to a verdict by a majority of the panel.~~

~~F. The abolition of the current practice of forced jury duty; we favor all volunteer juries. In addition, we advocate that all juries in actions to which the government is a party shall be instructed that they have the right to judge not only the facts of the case, but also the justice of the law. Juries may hold all laws invalid that are, according to their conscience, unjust, and find no violation of such laws. Jurors, rather than the judge, should set the sentence for a guilty offender up to the maximum allowed by law.~~

~~G. That no persons, other than government employees whose actions as an agent of the government have a direct bearing on the case at hand, be compelled to appear or testify before a grand jury, nor be denied independent legal counsel within the chambers of a grand jury proceeding. The issuance of "immunity from prosecution" by the court must not be used as an excuse to deny a person his or her constitutional rights.~~

~~H. Recognition of the right of private parties to conduct, at their own expense, prosecutions against those they allege have victimized them. Public prosecutors should not have the authority to grant immunity from private prosecution to alleged perpetrators; thus we advocate an end to the practice of plea bargaining without the consent of the victim.~~

~~I. The repeal of all laws extending criminal or civil liability to producers or vendors whose products may be used by others in the commission of a crime or tort.~~

~~J. The repeal of all laws establishing any category of crime applicable to a particular age group, including laws setting drinking ages and curfews, and an end to the practice of incarcerating children accused of no crime.~~

~~K. The abolition of special penalties imposed for crimes committed against police officers or government employees.~~

~~L. The repeal of all "hate crime" laws. It is not the proper function of government to punish criminals for their personal views and thoughts. We further oppose the introduction into courts of a person's personal views as evidence.~~

~~M. The trying of juveniles under the same procedures as adults. However, those convicted of violent crimes should be held by the California Youth Authority until age 18, then transferred to state prison for the remainder of their sentences.~~

~~N. Child abuse cases should be considered criminal cases rather than administrative proceedings. Hence, in such cases, the accused is entitled to the presumption of innocence and protection against arbitrary governmental searches and seizures.~~

~~O. That the serious crime of forcible rape should not be confused with cases of psychological pressure or persuasion if there was no threat of violence or other violation of rights. Nor should it be confused with cases in which an alleged victim was voluntarily under the influence of alcohol or other drugs, but was not incapacitated. "Psychological pressure or persuasion" shall not include threats of violence.~~

~~P. Recognition of the right of any person convicted of a crime to seek restitution, in a separate legal action, for any violation of his or her rights.~~

~~Q. An end to the defenses of insanity or diminished capacity, and to the practice of pre-trial insanity hearings to determine capacity to stand trial.~~

~~R. Recognition of the right of defendants and their counsel to inform jurors of the jury's power to nullify any law, and of the possible sentences for each offense charged.~~

~~S. In private lawsuits, the loser should pay the costs and litigation expenses of the prevailing party, at the discretion of the court.~~

~~T. The abolition of the current practice of courts receiving a percentage of fines imposed.~~

## **Judicial System**

The purpose of the judicial process should be an earnest attempt to extract reasonable restitution from a person convicted of a crime and to convey that restitution to the victim, to imprison when necessary, and to fairly settle contract disputes. The failure of the government judicial system to apply these principles has led to the inability of its courts to administer justice and to the near collapse of public confidence in the American judicial system.

We advocate the repeal of:

A. All civil asset forfeiture laws.

B. All laws extending criminal or civil liability to producers or vendors whose products may be used by others in the commission of a crime or tort.

C. All laws that allow the introduction of a person's personal views as evidence against them. An accused should not be punished for personal views and thoughts.

D. The so-called legislative police power, where the government defines public necessity, policy, or interest.

E. The defenses of insanity or diminished capacity, and the practice of pre-trial insanity hearings regarding capacity to stand trial.

F. The practice of plea-bargaining without the consent of the victim.

G. The use of administrative proceedings in lieu of criminal proceedings. The accused is entitled to the presumption of innocence and protection against arbitrary governmental searches and seizures.

## **Juries**

The American criminal justice system currently allows for bench or jury trials. Currently, if a person does not respond to a jury summons, a person could be held in "contempt of court" and be fined and/or sent to jail.

We advocate the following:

A. The abolition of the current practice of forced jury duty; we favor all-volunteer juries.

B. All juries, in actions to which the government is a party, shall be instructed that they have the right to judge not only the facts of the case, but also the justice of the law.

C. Juries may hold all laws invalid that are, according to their conscience, unjust, and find no violation of such laws.

D. Jurors, rather than the judge, should set the sentence for a guilty offender up to the maximum allowed by law.

E. All jury trial findings shall be by unanimous decision, except that the parties to an action or proceeding may consent to a verdict by a majority of the panel.

## **Due Process**

All persons should be equal before the law and entitled to due process of law. Due process should determine innocence or guilt in a manner designed to protect the individual rights of all persons concerned, both the accused and the accuser. We hold that individuals may settle their differences outside the court, if both so agree.

We support the following:

A. Full protection of the rights of the accused, including complete access to all available records, information, or evidence (held by the courts or voluntarily submitted) to be used in the prosecution of the case. This includes

providing access for those who choose to represent themselves, whether in custody or out of custody.

B. The right of any person convicted of a crime to seek restitution, in a separate legal action, for any violation of his or her rights. Full restitution should be given to the accused if loss is incurred in the course of criminal proceedings against them which does not result in a conviction.

C. No person should be denied the freedom of movement without formal charges being filed immediately following arrest.

D. The right of private parties to conduct, at their own expense, prosecutions against those they allege have victimized them.

E. The right of defendants and their counsel to inform jurors of the jury's power to nullify any law, and of the possible sentences for each offense charged.

F. No persons, other than government employees involved in the case at hand, should be compelled to appear or testify before a grand jury, nor be denied legal counsel during a grand jury proceeding.

G. In private lawsuits, the loser should pay the costs and litigation expenses of the prevailing party, at the discretion of the court.

### **Crime and Punishment**

The only crimes we recognize are: 1) crimes of violence or threat of violence, 2) property loss, and 3) fraud. Libertarians believe that our current justice system has many punishments that far outweigh the crimes committed. We believe that punishments should be proportional to the crime committed and should be fair and humane.

We advocate the following:

A. The abolition of special penalties imposed for crimes committed against police officers or government employees.

B. The abolition of the current practice of courts receiving a percentage of fines imposed.

C. Prison sentences should be served in their entirety.

D. The Three-Strikes law should focus on truly violent offenders so that enhanced prison sentences and life imprisonment for multiple criminal acts are reserved for perpetrators of violent crimes.

### **Juvenile Justice**

We support the trying of juveniles under the same procedures as adults, with the same rights and privileges as adults, including the right of a trial by jury. Currently minors are only afforded a trial by jury after a court transfers the matter to adult court, where the minor is treated as an adult.

We support the repeal of all laws establishing any category of crime applicable to a particular age group, including laws setting drinking ages, curfews and truancy, and an end to the practice of incarcerating children accused of no crime.

## **Proposal 17: Revise: IV.7 Judicial (capital punishment)**

Recommended by a vote of 11 to 1

### **Summary**

Our platform does not currently address the subject of capital punishment. This proposal would add a statement that we oppose capital punishment.

### **Changes**

Add an item to the end of the existing letters list, in "Crimes and Punishment" or "Judicial", depending on whether the restructuring proposal is adopted: "The abolition of capital punishment."

### **Text Showing Revisions**

*If the restructuring proposal is adopted:*

[E. The abolition of capital punishment.](#)

*If the restructuring proposal is not adopted:*

[U. The abolition of capital punishment.](#)

## **Proposal 18: Revise: IV.7 Judicial (three strikes)**

Recommended by a vote of 9 to 1 with 1 abstention

### **Summary**

Our platform currently advocates that the "Three Strikes" law should focus on violent offenders. This proposal would change our position to say that "Three Strikes" should be eliminated.

### **Changes**

Replace existing language, in the proposed "Crime and Punishment" plank or in the fifth paragraph of the existing Judicial Plank, depending on whether the restructuring proposal is adopted, with: "The removal of the Three Strikes law and other de facto life sentences."

### **Text Showing Revisions**

*If the restructuring proposal is adopted:*

~~D. The Three-Strikes law should focus on truly violent offenders so that enhanced prison sentences and life imprisonment for multiple criminal acts are reserved for perpetrators of violent crimes.~~ [The removal of the Three Strikes law and other de facto life sentences.](#)

*If the restructuring proposal is not adopted:*

We support the concept that law should impose penalties proportional to the gravity of the violation of others' rights, and prison sentences should be served in their entirety, unless the victim pardons the perpetrator.

~~Unfortunately, the existing Three-Strikes and You're-Out law fails to focus on the truly violent career criminals who are the greatest threat to their victims. Enhanced prison sentences and life imprisonment for multiple criminal acts should be reserved for perpetrators of violent crimes. Prison space for these enhanced sentences should be made by pardoning those prisoners who were incarcerated for victimless "crimes".~~ [We advocate the removal of the Three Strikes law and other de facto life sentences.](#)



## **Proposal 19: Revise: IV.7 Judicial (move text to Victimless Crimes)**

Recommended by a vote of 9 to 2

### **Summary**

Move a statement currently in the Judicial Plank to the first paragraph of the Victimless Crimes plank.

### **Changes**

Insert "The only crimes we recognize are: 1) crimes of violence or threat of violence, 2) property loss, and 3) fraud." as the second sentence of the first paragraph of the Victimless Crimes plank and delete that sentence from where it now appears.

### **Text Showing Revisions**

To commit a crime, one must infringe upon the rights of another. [The only crimes we recognize are: 1\) crimes of violence or threat of violence, 2\) property loss, and 3\) fraud.](#) Victimless "crime" laws are a legislative attempt to forcibly limit the lifestyle choices of individuals. We therefore support the following:

## **Proposal 20: Revise: IV.13 Marriage**

Recommended by a vote of 8 to 2 with 1 abstention

### **Summary**

Rewording to better explain the role of contracts as a replacement for existing laws and to clarify/simplify various other points.

### **Text Showing Revisions**

~~We support the rights of individuals to form private relationships as they see fit, either by contract or by mutual agreement. We regard marriage as one such private relationship. The State of California should not dictate, prohibit, control, or encourage any such private relationship. To implement this principle, we advocate:~~

~~A. The repeal of all marriage and marriage dissolution laws and their replacement by contracts where desired by the parties.~~

~~B. Property not specified as "community property" not being presumed as such.~~

~~C. The repeal of all alimony laws.~~

~~D. The recognition in law of marriage contracts as an addition to, or replacement for, marriage and marriage dissolution laws.~~

~~E. The right of all consenting adults to form marriage contracts without regard to gender, sexual preference, degree of consanguinity, or number of parties to said contracts.~~

~~F. Until such time as the state of California ends its involvement in marriage, we call upon the state to issue marriage licenses to any adults without regard to gender.~~

We regard marriage as a private relationship, and as such it should not be defined or regulated by the state. Those who want to formally define their relationship should do so by contract – either one of their own devising or, if they prefer some "traditional" arrangement, by making use of a standard contract offered by an institution of their choice. With respect to control and disposition of financial assets, married people can also make use of the same kinds of shared ownership options used by unmarried people.

To implement these principles, we advocate:

A. Recognition in law of marriage contracts.

B. Repeal of all other marriage and marriage dissolution laws.

C. Elimination of marriage licenses.

D. Removal of provisions that make "community property" the default.

E. Repeal of all alimony laws.

F. The right of all consenting adults to form marriages without regard to gender, sexual preference, degree of consanguinity, or number of parties.

G. Pending implementation of the above, issuing marriage licenses to any adults without regard to gender.

## **Proposal 21: Revise: IV.4 Discrimination**

Recommended by a vote of 6 to 1 with 4 abstentions

Updated from initial report by a vote of 7 to 0 with 2 abstentions

### **Summary**

The Equal Right Amendment which was passed by Congress in 1972 provides that: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." This amendment was ratified by many states, but whether it was ratified by enough states is in dispute, due to a provision in the original legislation imposing a time limit and later revocation of ratification by several states. This proposal would express our support for the ERA and for it being considered as ratified.

*Note: for anybody unfamiliar with this issue, the following article providing background from a libertarian perspective may be helpful: <https://reason.com/1974/08/01/libertarians-and-the-era/>*

### **Changes**

Add language to the beginning of the plank asserting our support for the general concept of equal protection of the laws, and add a new second paragraph specifically about the ERA.

### **Text Showing Revisions**

We support the equal protection of the laws, meaning nNo level of government should deny or abridge the rights of any individual on account of sex, race, color, creed, age, national origin, economic status, marital status, sexual preference, physical ability, mental ability, or place of employment. We affirm that government should not use quota systems based on any of the above criteria.

Since the early days of our nation women have not had equality of rights under the law. Women have been denied the right to vote, own property, start a business, and get credit. To ensure women receive basic human rights, and the equal protection of the laws, we declare support for the passage of the Equal Rights Amendment (ERA). Therefore, we call upon the Archivist of the United States to declare that with Virginia's ratification the ERA has reached the three-quarters of the states threshold required by the Constitution, and so is now part of the Constitution.

We oppose all governmental attempts to regulate private choice in association, including discrimination in employment, housing, and the use of privately-owned "public" accommodations. The right to trade includes the right not to trade – for any reason whatsoever. We also call for the repeal of the so-called Civil Rights Act of 1991 whose self-contradictory provisions force employers to use hiring quotas on the basis of race and sex in order to avoid "disparate impact" lawsuits, but whose provisions make it illegal to use such hiring quotas.

We call for the repeal of the Americans with Disabilities Act (ADA), since it imposes mandates on employers to hire individuals they may not wish to hire, such as alcohol or drug abusers and people with personality disorders. Additionally, businesses are told what type of facilities to provide, which violates private property rights, and also discourages employers from hiring low-skilled or disabled people.

## **Proposal 22: Revise: V.4 Education**

Recommended by a vote of 6 to 5 with 1 abstention

### **Summary**

This makes a number of changes to the plank, including describing the poor performance of the current system, proposing a specific tax credit plan, and removing the reference to forced busing (which is no longer an issue).

*Note: The tax credit plan mentioned in this proposal is based on an proposal made by Ed Clark in his 1980 presidential campaign; a more detailed explanation of the concept can be found at:*

<http://www.amatecon.com/etext/ecwp/ed/ecwp-ed-toc.html>

### **Text Showing Revisions**

We reject the idea that the financing and control of education is a proper function of government, and call for the privatization of public education in California. The high school dropout rate is 23% with over one fifth of graduates failing to master basic work skills. Every student that does not graduate high school has a greater risk of committing a crime and ending up in prison. The United States is 38th in math, 24th in science, and 24th in reading among industrialized nations of the world. Therefore, to compete in the world economy and to improve education, we advocate the following:

- A. ~~An end to compulsory busing.~~ To facilitate maximum educational opportunity and choice an educational tax credit of \$3,200 for educational expenses per child for any parent or guardian of a child attending any public, charter, magnet, or accredited private school (accreditation standards as of 2021). This tax credit will disentangle education from monopoly control and foster competition.
- B. An end to compulsory school attendance.
- C. An end to interference with home schooling, in particular, an end to the policy in some counties of not allowing home schooling parents to file private school affidavits, and an end to the effort by local truant officers and social workers to control who can teach and what they can teach.
- D. Repeal of the Proposition 98 funding guarantee for K-14 public education.
- E. Unlimited tax credit, equal to the amount of the assistance, for any individual or business sponsoring a person in an educational institution.
- F. An end to licensing and regulation of private and parochial schools.
- G. Allowing students to attend any school regardless of district boundaries.
- H. Resisting the introduction of federally mandated or encouraged national education standards, such as common core.
- I. An end to government or tax-funded pre-school programs.
- ~~J. A replacement of tax funding of government schools, at all levels, with tuition or other voluntary means.~~
- ~~KJ.~~ ~~An end to government subsidy of private education and an end to all government subsidies to students, such as Pell Grants and the federal student loan program.~~
- ~~LK.~~ An end to tax-financed research (such as research in military hardware and techniques, farming techniques, and applications of high technology) in California educational institutions.
- ~~ML.~~ Retention of tax-exempt status for all private schools, including religiously affiliated schools.
- ~~NM.~~ Abolition of California's monopoly lottery system for finance of education.