



## **LIBERTARIAN PARTY OF TEXAS**

Platform – Adopted in convention

Austin, Texas, June 13. 2010

### **I. ECONOMIC LIBERTY**

#### **1. TAXATION**

*As Libertarians we believe that all persons are entitled to the fruits of their labor. As such, we view taxation as the forced taking of property. At most we regard it as a necessary evil, so that the vital functions of government can continue independent of undue outside influence. For this reason we advocate the reduction of taxation to the lowest feasible level, and the replacement of taxation with user fees where practicable.*

*Though many forms of taxation are authorized in the constitution, we feel that the following warrant specific consideration:*

##### **1a. Government Spending**

*We believe that smaller government is better. We seek to reduce the size and scope of government, and sunset or abolish unnecessary or unconstitutional programs and agencies. We support balancing the budgets of all levels of government by reducing government spending. We support a moratorium on state bond issuance and all other forms of government borrowing.*

##### **1b. Income Tax**

*We oppose any effort of the Texas Legislature to impose income taxes, for any purpose. Furthermore, we advocate the repeal of the federal income tax.*

### **1c. Gross Margins Tax**

*We oppose the Gross Margins Tax adopted by the Texas Legislature in 2006. We support the efforts by the legislature to tighten the state's constitutional spending limits. We also support a constitutional amendment that would require a two-thirds majority vote by each house of the legislature to increase the rate of any tax.*

### **1d. Ad Valorem Tax**

*We support the elimination of the property tax which cannot be assessed in any objective manner and which operates to take property from the poor. However, until a time when an alternative means of financing can be achieved, we support efforts to restrict appraisal valuations.*

*We support legislative efforts which would lower the cap on annual increases in homestead appraisals from 10 percent to 3 percent. Furthermore, we support legislation which would impose a 10 percent cap on annual appraisal increases in vacation homes and other non-homestead, residential properties.*

### **1e. Tax Increment Reinvestment Zones**

*In the interest of protecting the tax payers, Libertarians seek to limit the establishment of Tax Increment Reinvestment Zones (TIRZ) districts to previously developed municipal areas and prohibit their establishment on undeveloped "raw" land. The ability for a local government to create Tax Increment Reinvestment Zones (TIRZ) was established by the legislature as a means to combat blight in our inner cities. However, this tax structure has been abused by many local governments and utilized as a means to enrich political benefactors and campaign contributors.*

### **1f. Occupational Licensing**

*Libertarians believe that the exercise of an occupation or profession is a natural right not subject to regulation or taxation, except insofar as it makes use of public resources. Therefore, Libertarians support the repeal of all statutes licensing occupations or professional practices, and reversion to private certification organizations.*

*While 'licensing' is promoted as a tool for acting against unscrupulous or incompetent providers of services, in practice it mainly serves to restrict competition and suppress new entrants into a field. Government can properly prosecute for fraud for past abuses, but should not become a gatekeeper that converts a right into a privilege.*

*We see Occupation Licensing as undue and unwarranted restrictions on individuals' rights to work and earn a living in any manner they choose.*

## **1g. Bond Initiatives**

*Ideally, Libertarians favor a moratorium on any new debt obligations. Moreover, as a measure to protect the taxpayers we support legislation requiring bond issues only be voted at state general elections.*

## **1h. Certificates of Obligation**

*The Texas Legislature bypassed voter approval for political subdivisions to borrow money by enacting the Certificate of Obligation Act of 1971 (Section 274.041 Local Government Code) as local governments viewed bond referendum requirements as “too burdensome.” Since that time, many local governmental entities have driven their communities deep into debt with no approval from the voters. Unlike bonds, a Certificate of Obligation simply requires a 30 day public notice of a corresponding ordinance to enact. Should the public oppose the measure, they have 30 days to petition, requiring 10% of all registered voters as a minimum, to prevent the ordinance from being enacted.*

*As such an unfair process is a clear danger to taxpayers and residents of the state, Libertarians support the repeal of the Certificate of Obligation Act of 1971.*

## **2. EDUCATION**

### **2a. Education**

*Libertarians support removing the barriers to choice and competition in education, allowing parents more flexibility in deciding where and how to educate their children. We would further seek to restore control over public schools (schooling) exclusively to the state level where it belongs, with an emphasis on local education boards.*

*Libertarians would seek to work on a nonpartisan education funding policy that would seek to provide the best and fairest use of our limited financial resources and eliminate waste and bureaucracy at state and local levels.*

### **2b. No Child Left Behind Act**

*Libertarians would seek to repeal the 'No Child Left Behind Act' and/or repeal all federal mandates on public education that are unfunded. Libertarians would reinvest the 'NCLB' funds, that are currently used for incentive bonuses and the bureaucracy created to manage and enforce the program, into the 'under funded' public education system. All excess taxes collected should be returned to the people.*

### **3. TRANSPORTATION**

#### **3a. Toll Roads**

*Libertarians opposed the Trans Texas Corridor Act, a costly boondoggle intended to benefit land developers through the abuse of eminent domain and cedes sovereignty to a foreign bureaucracy. Further, we support legislation that would forbid tolls on any highway right of way which was obtained with tax dollars or through the use of eminent domain or condemnation.*

*Libertarians uphold the right of private enterprise to construct and operate private toll roads, provided that those private toll roads were not established by coercive government power and governing authority remains in the hands of the people of the State of Texas.*

*Libertarians object to the current forms that Texas Regional Mobility Authority Boards & Metropolitan Planning Authorities have taken. These boards are currently non-elected, are not responsive to the citizens & don't answer to local authority.*

*Many of these boards contain TxDot and corporate employees appointed as pro-toll voter, slanting the votes in favor of Tolling state, county and metropolitan rights of way and are Non-Elected Boards spending Tax dollars on Tolling Initiatives*

## **II. PERSONAL FREEDOM AND CIVIL LIBERTIES**

### **1. RIGHTS OF INDIVIDUALS, CHILDREN AND FAMILIES**

#### **1a. Speech**

*Libertarians uphold the ideals embodied in the First Amendment to the Constitution of the United States; specifically, that government should not interfere in matters of personal conscience, such as religion, speech, creativity, or political activity. Nor should any majority be allowed to use government power or support to force the minority to accept their moral, religious, or political beliefs.*

*We call for an end to so-called "free speech zones," which are in reality a means of isolating and silencing dissent in the public arena. Public officials have no right to be insulated from the voice of opposition to their policies.*

## **1b. Religion**

*Libertarians support the principle of separation of church and state, and that there is no freedom of religion without freedom from religion. Libertarians oppose government funding or endorsement of any religious or nonreligious position over any other. Libertarians call for strict supervision of how government payments or tax subsidies to all religious organizations are used, to insure they are not used to support indoctrination.*

## **1c. Right to Keep and Bear Arms**

*Libertarians support the right of citizens to keep and bear arms as codified in Article I, Section 23 of The Texas Constitution. Additionally, we advocate the legalization of 'open carry' of handguns, without a license.*

*Libertarians hold that the right to keep and bear arms, like other rights, may only be disabled by due process of law, and for a fundamental right like this, by unanimous verdict of a jury of twelve, on proof beyond a reasonable doubt, either that if not disabled, said person would present a significant danger to himself or others, or that it is a statutory penalty on conviction of a crime, argued separately and made an explicit part of the final sentence.*

## **1d. Equality Under the Law**

*Libertarians support the full and complete protection of all people from biased legislation that violate individual rights based on gender or gender orientation. Libertarians believe government does not have legitimate authority to define or restrict personal relationships (and other associations) that are discriminatory, in practice, to any group of citizens.*

## **1e. Marriage and Domestic Partnership**

*We believe that marriage is a matter of private contract, and should not be defined or licensed by government. We believe that government should not treat individuals differently based on their marital status.*

## **1f. Family Values**

*Libertarians seek to abolish legislation and policies that define what a family is.*

### **1g. Parental/Guardian Rights**

*Libertarians hold that legal rights of parents/guardians cannot be infringed by the state on unsubstantiated claims of abuse.*

### **1h. Family Welfare and Government**

*Libertarians see most family government welfare programs as unnecessary as they drive out private charity organizations. As such, we generally oppose government charity programs. Most of these programs can be better served by the local/private sector of society in the form of private charity.*

*Libertarians believe there is a great amount of wasted tax dollars in government programs due to mismanagement, fraud and waste. We would seek to replace, where possible, all welfare programs by private charity organizations.*

### **1i. Property Rights - Homeowner Associations**

*Libertarians support moving private homeowner associations to the current government code to protect private property owners from further violations of the constitution of this state and nation by such associations, until further remedies can be pursued.*

### **1j. Eminent Domain**

*Libertarians would close the exceptions and loopholes in the state prohibition against the use of eminent domain for private economic development. Under no circumstances should government have the power to force the transfer of land from private entity to another against the will of the owner. Additionally, we believe that property owners displaced through eminent domain should be compensated 125% of the fair value of their property to compensate for their moving expenses and inconvenience. Libertarians strongly oppose TexDot's abusive use of eminent domain laws for the creation of toll roads and the TTC.*

## **2. GOVERNMENT AND HEALTH**

### **2a. Health Care**

*Government should neither provide, control, nor require healthcare. We do not believe that people have a right to be provided with healthcare at other people's expense. We advocate the phasing out of Medicare, Medicaid, and CHIPS programs. Libertarians support free market based healthcare systems and health insurance and oppose a "single payer" concept or the recently passed federal legislation known as the Affordable*

*Health Care for America Act.*

## **2b. Drug Policy**

*Libertarians view the federal "War on Drugs" to be a violation of the Tenth Amendment to the U.S. Constitution. Federal authority to prosecute "crime" is limited to only a few subjects (treason, counterfeiting, piracy, offenses against the laws of nations, and violations of rights by state agents). We find no authority in the U.S. Constitution for extraterritorial criminal jurisdiction or expenditure of tax dollars to interdict drug trafficking.*

*We view drug "abuse" as solely a state matter for social or medical intervention. We, along with other groups such as the Texas Nurses Association and the American Public Health Association, support legislation which would enable seriously ill Texans to utilize cannabis prescribed by a physician.*

## **3. PRIVACY AND UNIVERSAL IDENTIFICATION**

### **3a. Privacy**

*Libertarians believe in an inherent right to privacy. As such, we oppose any legislation that permits government to become involved in our personal affairs where such authority has not been exclusively granted via a constitutional amendment.*

*We hold that the purpose of government is to protect our rights and property, and should never become a threat to the very things it was established to protect.*

### **3b. Real ID Act**

*Libertarians reject the presumption of federal authority in requiring universal identification. Given the opportunity, Libertarians would reject the federal "Real ID Act" and join the growing list of states who are safeguarding their citizen's privacy.*

### **3c. NAIS**

*Libertarians reject the presumption of federal authority to require animal identification. Furthermore, imposing such requirements on individual ranchers and farmers while granting variances to corporate agri-businesses violates the equal protection clause of the constitution.*

*Given the opportunity, Libertarians would amend the Texas Agricultural Code to remove authority for the Texas Animal Health Commission to develop and implement an animal identification system consistent with the U.S. Department of Agriculture's National Animal Identification System (NAIS).*

### **3d. Police Powers - Searches**

*Libertarians call for the complete repeal of the USA-PATRIOT Act. We also call for the repeal of any and all laws which authorize the wiretapping or other search and seizure of private communications or property without a warrant issued in a free and independent court of law.*

*Libertarians support legislation or judicial rules that forbid the execution of “no-knock” warrants unless there is probable cause that they are necessary to avoid death or serious injury to an innocent person. We require that all warrants be presented to the subject for examination, with an original signature and a copy of the affidavit attached, and that the subject have an opportunity to contact the court that issued the warrant to verify its validity.*

## **4. ELECTION REFORM**

### **4a. Verifiable Balloting**

*Libertarians support only voter verifiable paper trails in balloting systems used in elections, and oppose any systems that can be corrupted to produce fraudulent or inaccurate vote counts. We oppose any efforts to count the votes outside of public view.*

### **4b. Party Affiliation**

*Libertarians oppose recent legislative efforts which would require an individual to affiliate with a political party (or remain independent) at the time of registration. Those not affiliated would be precluded from participating in primaries thus creating a closed primary process and preventing crossover voting. Libertarians support the current affiliation process and the people's rights to freedom of association.*

### **4c. Primary Screen-out**

*Libertarians support the right of voters to decide who will be on the ballot. As such we support legislative efforts which would remove restrictions regarding eligibility to sign candidate and party petitions to appear on a ballot.*

*All eligible voters should have the opportunity to voice their opinion. Their voice should not be silenced due to their participation in a primary election or their decision to sign an alternative candidate's petition.*

#### **4d. Initiative and Referendum**

*Libertarians support the right of citizens to propose state laws or constitutional amendments through a referendum process. Qualified initiatives should be placed on the General Election Ballot in November of even numbered years. Giving Voters the ability to repeal legislation enacted as a result of pressure from special interests seeking favor at the expense of the citizens is a fundamental necessity in the current political paradigm.*

*Libertarians believe this to be in compliance to Article I, Section 27 of The Texas Constitution which guarantees the right to seek redress of grievance "by petition, address or remonstrance."*

### **5. CRIME AND THE JUSTICE SYSTEM**

#### **5a. Judicial Reform (Grand Juries)**

*Libertarians support reviving direct citizen access to grand juries for presentation of public complaints and for private criminal prosecutions, in which the grand jury authorizes private prosecution by issuing the indictment to the complainant. An adequate number of grand juries should be empanelled to provide sufficient time to investigate and deliberate on each complaint.*

*We support making grand juries independent from public prosecutors and encouraging them to exercise oversight on governmental operations within their district.*

*We also support enabling grand juries to decide whether an official has acted within his jurisdiction, and remove immunity from suit for any who has not.*

#### **5b. Judicial Reform (Informed Juries)**

*Libertarians support a return to the original standard of due process for jury trials. When there are mixed questions of fact and law, as there are in all criminal cases, all parties shall have the right not to have the bench make decisions on questions of law until all parties have completed making their arguments.*

*Furthermore, all parties may defer making those arguments until they can be made to the jury; the only exception would be for motions by the defense to exclude evidence in which the issues of law cannot be argued without disclosing evidence properly excluded.*

#### **5c. Judicial Reform (quo warranto)**

*Libertarians support the revival of the long established but recently suppressed remedy of writs of quo warranto sought by any person in the name of the people.*

*The challenged official, bearing the burden of proof, must prove an unbroken logical chain of derivation of authority, current or proposed, from the constitutions of the United States and/or the State of Texas, within 3-21 days. If said official fails to thus prove his or her authority, he or she must cease and desist any exercise thereof. If the challenge is to his or her holding the office, said office must be vacated.*

*This writ would remove the official immunity of officials so they could be civilly or criminally prosecuted for exceeding their jurisdiction or abusing their power. The writ would be decided by a trial jury of twelve randomly selected citizens if demanded by petitioner.*

#### **5d. SLAPP Suits**

*Libertarians support enacting SLAPP protections for the citizens of the State of Texas and deny corporatist the ability to bankrupt individuals for the simple act of voicing an opinion. Though sufficient anti-SLAPP protections exists for corporations, no such protection exists for the individual.*

*SLAPP Suites (Strategic Lawsuit Against Public Participation) are utilized primarily by corporations (& Government) to silence opposition to any given objective. It is the ultimate form of the denial of our right to free speech.*

#### **5e. State Bar Act**

*Libertarians support the repeal or sunseting of the State Bar Act and ending the prosecution of persons for the unauthorized practice of law. This act serves not to protect the public, but to raise the costs of legal services, protect the legal profession and bring its members under undue control. Those who criticize judges or attempt to reform the legal system are especially affected.*

### III. UNCATEGORIZED

#### 1a. Immigration

*Libertarians hold that a border secure from invasion is essential to American freedom. However, we also hold that securing our border will be very difficult unless American immigration laws are reformed to remove the incentives to violate border control laws.*

*Peaceful immigrants should be issued work visas, subject only to vetting to ensure that they are not terrorists or criminals, and reasonable consideration of the economy's ability to employ them. Terrorists and criminals who attempt to enter the U.S. via a port of entry should be denied entry and, where applicable, arrested and detained or extradited. Persons attempting to enter the U.S. at any other point should be regarded as invaders and treated accordingly.*

#### 1b. Perpetuities and Monopolies

*Libertarians fully support the Texas Bill of Rights, Art. I. Sec. 26, and desire its fullest enforcement by appropriate legislation. In that the state prohibits the formation of perpetuities and monopolies in Texas and finds them contrary to the genius of free government, their establishment also discourages competition and free market price controls.*

*We find that the state of Texas, and its political subdivisions, to be in violation of this Constitutional Right as established under this article.*

*Libertarians seek to have the state legislature enforce this freedom as granted in the Bill of Rights and abolish all existing government enforced monopolies, whether government or private corporations, where private sector companies or individuals wish to compete for a market share.*

*Subsidies, government-granted monopolies, and other forms of corporate welfare exist today as privileges granted by government to those with political access. These corrupt relationships between government authority and special interests destroy the level playing field that free markets depend on.*

### IV. OMISSIONS

#### 1. Omissions

*Our silence about any other particular government law, regulation, ordinance, directive, edict, control, regulatory agency, activity, or machination should not be construed to imply approval.*