



The Activist News

Citizens for Limited Taxation & Government
The Commonwealth Activist Network

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The Massachusetts Taxpayer Activist's CLT&G Newsletter

June 1998

Tax Cut Ballot Question Fails by 26 Signatures

By Chip Ford

As you know from our membership mailing and questionnaire that you recently received, the teachers union won this battle, beating us in court by 26 signatures out of the 65,000 we filed.

After a fall season of collecting signatures, the last five months of defending them before the teachers union's million dollar challenge, and after our own expense of some \$100,000, we will not have our "promised" tax rollback after all.

The Democrats in the Legislature continue to insist that no promise was ever made, and when it was they can't be held to it because "no Legislature can bind a future Legislature to any promise."

At least for now we must settle for what State Treasurer Joe Malone has termed "table scraps," while the pols scramble over how to spend the \$1 billion-plus excess tax revenue.

As a result of our experience with the teachers union, CLT&G has undertaken a new mission, in fact two new missions. The first is called the "*For the Children*" Project - We must attempt to save the children from the clutches of the teachers union!

The second is called the "*Working Families*" Project - which is the substitute liberal catch-phrase code for spending more, now that "for the children" is quickly losing its power, finally being recognized as a transparent guilt-vehicle for unlimited tax-and-spending.

Our e-mail CLT&G Updates and Alerts! to some 400 online members four or five times a week (which also go out to the Reform and Republican Party and Libertarian Association e-mail lists and reach another 600 activists) have been so successful that we've established the CLT&G world-wide website. It is full of informative news and facts on both projects as well as news about our other activities. Through these and other means we will continue to monitor and expose what our government is attempting to do to us.

In the first week that we were online with our revised and updated look, we had over 500 "hits" - visits to our website - so we know it's being read. I wonder how frequently our enemies and opponents check in? I sure hope often!

CLT&G Website
<http://cltg.org>

In Defense of Stay-At-Home Moms

By Susie Dutcher

Amid the Clintons' push for a new \$21 billion child-care plan, Senator Nickles invited me - an Oklahoma stay-at-home mom - to testify April 22 before a subcommittee of the U.S. Senate Finance Committee. Here's what I told the senators:

I believe that politics and policy are important, and I respect your public service. I believe families are equally important, and I hope you respect my public service, which consists of providing the public with one healthy family, composed of well-adjusted, productive individuals.

I spend my days cooking for my husband and children, doing laundry, cleaning toilets, and vacuuming. I teach my children to read and do math, and I take them to the park. We do watercolors and science experiments, and I read them Aesop's fables and David and Goliath. I probably spend two hours a day in the rocking chair. After they're all tucked in bed, I fold the laundry and do the family budget on our computer. Believe it or not, I don't play golf or go to the club and play cards.

This is the life I've chosen, because I believe it's best for children, whenever possible, to be cared for by their mother rather than by strangers. I believe my job is important. And because of the time and money and energy I invest in their lives, I believe my children will grow up to do great things. I believe none of them will end up on the welfare rolls, in prison, or in any way dependent upon the state.

I used to be a schoolteacher, and certainly the salary and benefits I could earn teaching school would improve our material well-being. But some checks can't be cashed at the bank: my son Lincoln, when he was three years old, said to me one day, "I'm proud of you 'cause you do the right things. Like take a shower, and fix my breakfast . . . those kind of things."

I know it's all worth it when we're on the floor playing with blocks, and I notice out of the corner of my eye that he's stopped playing and is staring at me like a smitten young man. "I love the way you talk," he said to me. "And I love the way you smell." How do I smell? I asked. "Like a mommy." There's no need for me to rattle off the social-science research on the importance of strong marriages and families - some truths are self-evident.

I mentioned I do the family bookkeeping, and I can tell you

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Never Say We Didn't Warn You!

The Electronic (London) Telegraph

Sunday 24 May 1998

Lifestyle 'police' sink teeth into burgers

By James Langton in New York

The American junk food industry is bracing itself for an all-out legal assault from zealots who accuse it of damaging the nation's health.

They started with Big Tobacco, the multinational cigarette manufacturers. Now the growing army of "lifestyle police" is targeting the Big Mac as its new corporate enemy. A coalition of health organisations and medical experts has identified the fast food industry as being vulnerable to the same regulations which threaten to snuff out cigarette producers.

They are urging Washington to curb the dire effects of eating too many cheese burgers and super-sized servings of French fries by clamping down on companies like McDonald's and Burger King in the way that it has against Marlboro Man.

Among the proposals are curbs on advertising aimed at children and a "junk food tax" on unhealthy meals which would pay for a programme of compulsory physical education and nutrition classes in schools. A recent report in the journal of the influential American National Cancer Institute pointed out that the risks of contracting diseases through eating too much fast food were almost the same as those caused by smoking. Ominously headlined "Lessons from the tobacco wars edify nutrition war tactics," it noted that health campaigners "hope to bypass the excruciatingly arduous and long path that anti-tobacco advocates had to travel before warnings about the hazards took hold."

These included the founder and president of the American Health Foundation, who warns that the benefits of exercise and a better diet are "a tough sell." The journal notes: "According to Advertising Age, the 1996 advertising budget for Coca-Cola Classic was \$131 million, for McDonald's, it was \$599 million. The National Cancer Institute's budget for the five-a-day promotion of fruit and vegetable consumption was under \$1 million."

In fact, companies like McDonald's go to great lengths to promote the allegedly wholesome nature of their product and the quality of their ingredients. At the same time the American public has shown a marked reluctance to give up traditional delica-

cies like the twin burger Big Mac or the Quarter Pounder. The slim-line McLean was abandoned because not enough people bought it.

Defenders of the tobacco industry have previously parodied Washington's attempts to regulate smoking by pointing out that there is little difference between many of the tactics used by the cigarette manufacturers and the fast food chains.

"Ideas that were once considered ridiculous are now being taken seriously," warns Jacob Sullum, a libertarian writer on smoking issues. He said: "Just look at how you could easily say that the fast food chains explicitly target children as young as five, and you can see how things might go. We know, for example, from the McLean that they can remove fat from these products. So the next step will be to ask, why don't they do so?"

Anti-smoking campaigns have attacked figures like Joe Camel, a cartoon dromedary with sunglasses now banned for making cigarettes seem cool to teenagers. Figures like the clown Ronald McDonald could soon achieve equal pariah status. With Washington's deal to settle compensation for the victims of smoking currently stalled over the \$500 billion price tag, a number of states have recovered billions from tobacco companies for the costs of treating smoking-related illness and health education campaigns.

The potential for similar actions against the manufacturers of fast food may seem distant but is increasingly being raised. Former US Surgeon General, Everett Koop, emphasised the need for Americans to eat healthier food and smoke less almost in the same breath during his inauguration.

Janet Colwell, a columnist for the San Francisco Business Times, says that "if a high-cholesterol, fat-laden diet with no redeeming nutritional value is an express ticket to the grave, McDonald's may one day find itself explaining its marketing strategy to the courts and increasingly hostile public. We may one day find burger-eaters alongside smokers huddled pathetically in alleyways, victims of an anti-cholesterol establishment."

CLT&G Vanquished Hero of the Month: Attorney Steven S. Epstein

The Promise to Keep: 5% initiative petition will not be on the 1998 ballot, despite the heroic efforts of CLT&G friend, activist, and practicing libertarian lawyer Steve Epstein.

Steve was the petition drive's North/West Essex Country coordinator; he collected signatures, organized mall weekends, and drove to his local town halls for drop-off and pick-up. When the Massachusetts Teachers Association and TEAM challenged the

petition signatures, he took their challenge personally. *Very personally.*

The few lawyers who specialize in initiative ballot law were retired or already hired by the other side; Steve's specialty is defending people charged with marijuana use! But he was willing to learn a new skill, and we had some recollection of the process

Cont'd on next page . . .



that taxes are far and away the biggest portion of our family budget. There are many things I would like to do with my husband's earnings, but, with all due respect to your honorables in both parties, you seem to believe you have the moral authority and the superior judgment to make those choices for us.

I would love to put more dollars into our retirement account, for example, but I'm forced to put them into your Social Security trust fund, which I don't trust. I'd like to buy more books for Lincoln, Elizabeth, and Mary Margaret, and put more money in their college fund, but you've already seen fit to use that money funding closed-captioning for the Jerry Springer show. I'd love to get ballet lessons for Elizabeth, but my money is tied up buying food stamps for the deceased. I'd love to give more money to support our church's missionary in Albania, or the free medical clinic in Oklahoma City, but instead I'm forced to fund fish farming in Arkansas and Social Security disability payments for escaped convicts.

Call us greedy, but my husband and I would like for the most part to make our own choices concerning the fruit of our labor.

But naturally, under threat of imprisonment, we defer to your choices. I appreciate the opportunity to testify today, because your decisions deeply affect my family. I can't tell you how frustrated we are that, under budget agreements passed by Congress, federal revenue collections are set to rise from \$1.35 trillion in 1995 to \$1.9 trillion in 2002.

That's why my husband and I traveled here at our own expense - to ask you to let up. When Lincoln was three, one morning in the kitchen he motioned to his dad and me out of the blue and said, "You guys gather up." We obliged, and he put his little arms around us and prayed: "God, thank you for giving me my mommy and daddy. In Jesus' name, Amen."

I'm so glad I can be at home for my children, and I implore you not to craft public policies which discourage mothers from doing so. My husband and I certainly don't want to pay the day-care bills of two-income couples more affluent than ourselves. All we ask from you is to safeguard our family's liberty and property, and to stop taking them.

Submitted by CLT&G South Dartmouth activist Jackie Beckman

Atty. Steve Epstein . . . *Cont'd from Page 2*

from the challenge to Prop 2½ in 1980, so we decided to do battle to save the petition.

If we had it to do over again, and an experienced ballot law attorney were available, we'd still hire Steve. No one could have cared more or worked harder. Brilliant and outrageous, he never missed a chance to attack, but always stopped right on the edge of going too far. When Ballot Law Commission Judge Robert Hallisey, because of the huge number of signatures being challenged, told the lawyers to work through lunch, he passionately objected: "Your Honor, I fail to see why I should miss my lunch because of my brothers' unpreparedness" - and his objection was sustained. When the Teachers tried to admit additional pages of complaints, he cried "How many more trees must die, your Honor?"

Fortunately for Steve, Judge Hallisey has a sense of humor. When the Teachers asked for an extension of the hearing because they couldn't cover all their challenges in the two weeks allotted, he quoted another judge who replied to a criminal's complaint that he might not live out his sentence by telling him "Well, do the best you can."

In his summation, Steve quoted John Adams: "When the people give way, their deceivers, betrayers and destroyers press upon them so fast that there is no resisting afterwards." When the Teachers summed up, the Judge referred to the "precious right" of the people to petition, and asked them, "Shouldn't we try to save as many signatures as we can?"

The Teachers Union didn't think so, and challenged his decisions in Superior Court, where we tried to add even more signatures. In the end, it was still 26 signatures too few, and the "deceivers and destroyers" won, at least for now. But it wasn't because Steve Epstein didn't try.

AND STEVE WASN'T ALONE: CLT&G member **Robert Birnbaum**, a partner in the law firm **Foley, Hoag and Eliot**, called with an offer of pro bono support. The two lawyers assigned by the firm to our case, **Karen Dietrich** and **Phil Swain**, provided invaluable assistance during the Superior Court phase of the challenge, writing briefs and memoranda of law.

If you would like to know more about this excellent Boston-based law firm, you can visit its web page at <http://www.fhe.com>.

Tax Freedom Day is again later, group reports

By Barbara Anderson

According to the Tax Foundation, national Tax Freedom Day is one day later this year than it was in 1997. Working people in this country have been working for themselves since May 10th, but we Taxachusetts working people labored for the government four days longer, until May 14th. However, as someone once said in the Middle Ages, "the serfs are happy, m'lord."

And why not? The Massachusetts House has passed a tax cut that is more tax increase than decrease, and the Senate has passed a tax cut that vanishes if voters approve the 1998 ballot question cutting the investment income tax rate.

The initiative petition phases down the tax on so-called "unearned" income from 12 percent to the rate of earned income, whatever that may be.



Cellucci's bigger tax cut proposal best choice

By David Mittell

Largely ignored by the public, the Legislature continued its work last week on the 1999 budget and related matters. The most important of these was to choose a tax cut from variations on three competing proposals. In the first proposal, acting Gov. Paul Cellucci would set the tax on both earned and unearned income at 5 percent, reducing the former from 5.95 percent and the latter from 12 percent. This would “cost” an estimated \$1.6 billion a year in the curious phrasing the political class uses to characterize the act of returning to the people some 8 percent of what the state takes from them each year.

In the second proposal, the House of Representatives would reduce the same two taxes to 5.7 percent and increase exemptions for children and certain other dependents. The “cost:” \$500 million.

In the third proposal, the Senate would exempt senior citizens reporting income of \$30,000 or less from taxes on dividends and interest, it would increase personal exemptions for both single and joint filers, and it would make interest on student loans tax deductible. The “cost,” according to Senate President Thomas Birmingham: \$549 million. (In the interest of concision I have reduced these paper-heavy proposals to their essentials.)

I like the governor's plan best for several reasons. It is bigger (8 percent vs. 2½ percent). Thus it would do more to stimulate the economy and force state government to operate efficiently. Like a business or a family on a budget, for instance. Second, the Cellucci proposal is simpler than the others. By reducing broad rates, its relief would reach nearly every taxpayer with economically healthy incentives to work, save and invest.

The House and Senate proposals, by contrast, seek to take credit for favoring certain classes of people: seniors, college students, parents of teenagers, etc. This is odious, because it is divisive. For example, why should a senior citizen making less than \$30,000 receive an exemption that a single parent making less than \$30,000 doesn't receive? The Senate wants to do just that. Why? Because such divisive favor-mongering is heroin to politicians. Once they have tasted the power of pleasing certain constituencies by giving them things only other taxpayers seem to be paying for, they can't give it up.

It's a shell game. Moreover, the usual beneficiary of narrow exemptions, exceptions and reductions are not ordinary citizens, but rather special interests. As Howard K. Smith once observed, “Complexity is to special interest what the briar patch was to

Br'er Rabbit!” Reducing tax rates across the board is thus fairer in practice than special reductions that are subject to the machinations of the well-connected. It is also economically sounder, because it returns money to all taxpayers, who — on average — use the funds more efficiently than government would. And that efficiency-differential translates into greater economic growth than takes place when government keeps and spends the same funds.

That was the essential lesson in the 70-year failure of planned economies. Nevertheless, politicians' desire for power and popularity assures that the lesson never stays completely learned. Rather than trust a free people to create wealth through their own toil and intellect, leaders want to be seen handing out goodies. But to do that they need to tax the people's toil, which delimits it, and thereby reduces economic growth. That begins a vicious cycle. There being less wealth overall, the cry is to redistribute the wealth on hand through more progressive taxation. But if enacted, such taxation only further widens the gap between the actual economy and its potential. The late Boston Herald columnist, Warren Brookes, put it succinctly: “What,” he often asked, “is ‘progressive’ about taxation?”

Many political leaders today pay lip service to that thought, but very few are able to behave accordingly. Once elected, they can't give up the heroin of taking credit for handing out taxpayer-financed goodies. The best politicians do not lose sight of the bottom line, but all are subject to the tax-and-spend temptation, and eventually most are subject to the conceit that they can outsmart the marketplace. With them in charge, they think, a planned economy will finally work!

This is at least partly true of Cellucci, who has handed out lots of feel-good goodies in this election year. But his roughly 8 percent tax cut proposal (to take effect over several years) is very sound. Considering that state spending has risen about 8 percent each year since the first Weld-Cellucci budget in fiscal 1992, it is really rather modest.

No tax cut will make us a better people or a more civil society. That's not the job of economics, at least not directly. But such a cut would add to the total wealth of the commonwealth, which materially benefits everyone. That's what economics is about.

David A. Mittell Jr.'s column appears regularly in Weekend editions of The Patriot Ledger.

“Oh my God, what an accusation, that someone would find pork in what's known to be a bacon factory.”

*House Speaker Thomas M. Finneran, responding to criticism that his increased spending was “pork.”
The Boston Globe, April 22, 1998*



THE OUTSIDERS TRACK

By Barbara Anderson

Good attitude As we await the return of our recent membership questionnaire, we've been reading letters from members and activists concerning the loss of our Promise ballot question. **Roy Schoonover** of western Mass. writes, "not having tried would be one thousand times worse." He's an inspiration to us all.

Bad attitude When criticized by us in a Globe column by **Geeta Anand** about pork in one of the state supplemental budgets, House Speaker **Tom Finneran** laughed, "Oh my God, what an accusation, that someone would find pork in what's known to be a bacon factory." He's an even bigger inspiration to us all!

How about 100%? A stranger pulled over next to me in the Stop & Shop parking lot. "I'm behind you 1000%" he cried. When I asked him to join us, he suddenly remembered the ice cream thawing in the back seat.

How about 10%? Although we pass out membership cards at every speaking engagement, less than 10 percent ever return the cards, though they think what we all do is just great! We have a new policy: we'll only accept speaking engagements when a CLT&G member calls.

Cont'd on next page . . .

THE CLT&G HONOR ROLL

The following activists contributed to the A Promise to Keep: 5% petition above and beyond the call of duty, from last September, when the drive began, through May, when the challenge ended. They deserve our gratitude for getting the job done, even if the result was not the one we wanted. These are the folks who work at great personal sacrifice to help make good things happen. Hopefully we didn't leave anyone out, but if it happened, please let us know so we can recognize them in our next newsletter.

Gus Arns
Desiree Awiszio
Mary & Phil Bator
Jackie Beckman
Dan Bennett
Mike Bergeron
Dick Bertocchi
Ed Bertorelli
Sarah & Roger Blood
Nancy Borrowman
Carolyn Boviard
John Braithwaite
Dorothy Brissette
Lydia Brissette
Ruth Browchuk
Bob Bryne
John Canney
Mike Carmody
Bob Casimiro
Mark Casper
Gov. Paul Cellucci
George Chamberlain
Mile Ciulla
Tony Conte
Frank Cousins
Paul Cox
Bernie Crepeau
Jane Dean
Muriel DeLisle
Maureen Donovan
Jim Donovan
Mark Dumas
Tony Duskey
Ken Dwyer
Laura & Patrick El-Azem
Steve Epstein

Chris Fava
Mark Fins
Tom Flanagan
Woody Ford
Richard Freedman
Ruth Friedel
Rep. Paul Frost
Rep. Ron Gauch
James Gettens
Dan Gregory
Carol Habelt
Jim Hall
Bob Hawke
Bill Heath
Sen. Bob Hedlund
Bill Hees
Anne Hilbert
Doug Howard
Carla Howell
T. David Hudson
Bob Hunter
Greg Hussey
Eli Israel
Paul Jacobsen
Lee Jenkins
Barbara Jensen
Jeanne Johnson
Bob Jones
Reggie Judson
Irwin Jungreis
Saro Kachajian
Allen Karon
Bob Katzen
Gary Kendall
John Kenney
Bill Kerrigan

Avo Koiv
Rob Lamoureux
John Leahy
Matt LeBretton
Barbara Levings
David Lionett
Pauline Lionett
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Bill McKibben
John & Sandra MacMillan
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Kevin Leach
Mike Mozill
Paul Muliero
Gary Multer
Anne Murphy
F. Lee Nason
Pat Newmann
Steve Olson
Bob O'Keefe
Chris O'Malley
Joan & Norm Paley
Betty Perkins
Ann Perry
Herb Philpott
Craig Pina
Steve Pitney

Rob Porter
Mike Postler
Karen & Bob Powell
Sheldon Price
Elsie Raposa
Rich Renehan
Bill Rivers
Harold Rusch
Greg Russo
Tony Schinella
Roy Schoonover
Georgina Scott
Kai Shang
Tim Shepard
Patricia Sheridan
Mike Slemmer
Manny Sotelo
Mark Straus
Rod Sullivan
Jim Sullivan
Roy Switzler
Ted Theis
Peter Torkildsen
Dorrie Traficante
Ted Tripp
Frank Varga (deceased)
Pat Warnock
Pit Warren
Allen Van Wert
Brad White
Luci & David Wilson
Joe Wood
Bill Young
Walter Ziobro
Audrey & Joe Zrebiec
Steve Zykofsky



Cape Cod taxpayer alert The new Cape Cod Land bank bill is an improvement over past bills, because the voters who have to pay the tax will make the decision in a local election. But be aware that when the ballot question asks you to support open space "to be funded by an additional excise on real property," that means an additional 3 percent tax, on top of the Prop 2½ allowed increase, on your home. The House bill initially said that if voters rejected the tax, town meeting could pass it two years later, but this technical error was corrected with an amendment by **Rep. Ron Gauch** (R-Shrewsbury), who also removed language letting the money be spent on "recreational areas" — the Cape Cod Megaplex?

Don't call an environmentalist, call a plumber! During the June 3 House debate on the Land Bank, pro-tax Rep. **Ruth Provost** (D-Sandwich) screamed into the microphone that "when I flush my toilet, what I flush actually comes out my faucet!" If you ever visit her, request a coke, no ice.

In alphabetical order, Cellucci: Brian Lees' Senate Republicans did a great job fighting for Governor Cellucci's income tax rollback bill but nothing could persuade the Senate Democrats to keep their word. All Democrats, including **Sen. Brian Joyce (D-Milton)**, who filed our rollback bill and ran on this exact tax cut in the special election six months ago, voted No. **Chip Faulkner**, executive director of our PAC, sent Sen. Joyce and his local

media a letter withdrawing our endorsement.

Malone: Treasurer Joe Malone held a press conference insisting that the Legislature return the \$1 billion state excess revenue to the taxpayers, and I was at his side. If the "temporary" tax promise were kept, there wouldn't be any excess! Unfortunately, much of the "extra" money is going to be spent in supplemental budgets, or stashed in the "stabilization" slush fund. **Senator Bob Hedlund** (R-Weymouth) also tried for an amendment stating that this fund can't be increased unless there's a separate bill with a public hearing; all Senate Republicans and one Democrat, **Steve Panagiotakos**, voted Yes.

We'd love to show you around Bet you didn't know that this is our state tourist motto. The state Office of Travel and Tourism wants to change it to "Massachusetts — Take a real vacation."

Norm Paley suggests "Leave Massachusetts, take a real vacation." I think he means permanently. **Chip Ford** prefers, "take it, or leave it." **Loretta Hayden's** "We'll gladly take your money" was improved by Chip Faulkner's "We'll blow your dough." And an e-mail pal sent "Massachusetts — the state that knows better than everybody else."

Update on the Amiraults The hearing on a new trial for **Cheryl Amirault** is June 12th. If she wins, the next battle is to free her brother **Gerald**. Anyone who wants to help can call Chip Faulkner at the CLT&G office.

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The Wrap-Up Issue . . . What's Next?