

# Libertarians Barr(ed) from West Virginia's ballot?

## ALLEN MENDEMHALL

Former Georgia Republican Bob Barr, who gained prominence while serving on the Judiciary Committee during President Clinton's impeachment trial, became the Libertarian Party's presidential nominee in May, thus reaffirming that he has abandoned Republicans for good. The Libertarian Party is the third largest political party in America; it has attained ballot access in 30 states, but not in West Virginia, where the deadline for "independent" presidential candidates is making ballot access is Aug. 1.

As Michael Idov highlighted in *The New Republic*, Barr faces plenty of obstacles in his bid for president. Idov described—hilariously not condescendingly—the panemionium that ensued after Barr's nomination at the Libertarian National Convention in Denver last month. Apparently, Barr did not appeal to sci-fi Libertarians wearing Guy Fawkes masks, or to strip-clubs' rights Libertarians (who no doubt had been out all night before). Some of these freedom aficionados renounced party membership right on the spot; others arranged an alternative nominating convention in the hallways.

Needless to say, Barr's first challenge will be convincing "traditional" Libertarians that he is, in fact, a Libertarian, since his track record suggests otherwise. As a congressman, Barr voted in favor of the Patriot Act, co-authored the Defense of Marriage Act, endorsed the Iraq war, and promoted the war on drugs. He was in many ways a cook-cutter, run-of-the-mill conservative—only with a throwback, Rhett Butleresque mustache ("frankly, my Dems, I just don't give a damn").

Barr's stances on the Second and Sixteenth Amendments may have

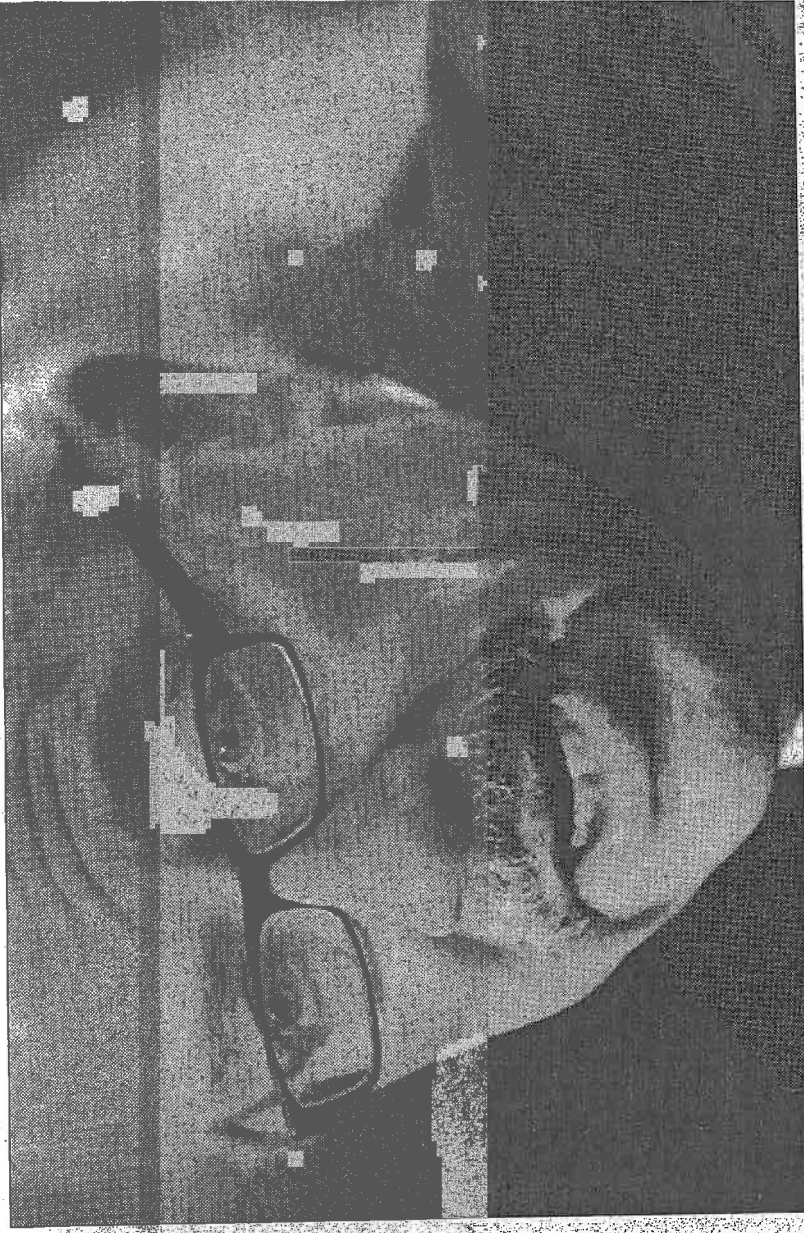
## GUEST COMMENTARY

party members. When Barr ran for re-election in 2002, one year after Georgia redrew its congressional districts, Libertarians played a role in his defeat. In a series of TV ads, they exploited Barr's opposition to medical marijuana and thereby alienated constituents that occasionally voted for Republicans (whose anti-government rhetoric often smacks of Libertarianism). Apparently, Barr didn't hold grudges. In fact, he converted.

Since his days in congress, he has reneged on many of his earlier positions. His role as an expert for the ACLU continues to raise Republican eyebrows. He has been highly critical of the Bush administration generally and of the Patriot Act in particular, going so far as to found a group called Patriots to Restore Checks and Balances, which seeks to eliminate the Patriot Act and preserve individual privacy rights. Barr repeatedly has expressed regret over his vote for both the Patriot Act and the Iraq resolution, and he now wishes to curb government regulation of marijuana, which he likens to alcohol prohibition of the 1920s and early 1930s.

Because of his embrace of federalism, Barr also opposes the Federal Marriage Amendment, which would define marriage as a union between one man and one woman. Despite these transformations, many still consider Barr a right-winger who appeals to only the "conservative" faction of libertarians. He must therefore persuade Libertarians that his flipping flopping signals a true ideological shift—not some form of political opportunism.

Barr's second obstacle will be



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— or, more often, which do not. The U.S. Constitution, under Article One, Section Four, grants states the autonomy to choose where, when and how to carry out federal elections. This power, although rightly granted to the states, has led to more restrictions than freedom. States often (mis)use this power to deter "frivolous" candidates and, in doing so, threaten some of the most treasured privileges of American citizenship: the right of citizens to run for political office, to form political parties, and to petition the government.

In West Virginia a third-party

election ballot. The secretary of state, Betty Ireland, must review and approve these petitions before they can be circulated. A brief glance at her Web site spells out the many rigorous standards for alternative ballot access: petitioners must obtain credentials to solicit signatures; those credentials must be "exhibited" to each voter; the petition must be used in only one county; and the petitions must have the signatures of at least 2 percent of registered voters who voted for the specific office during the previous election for that office.

And these are only a few of the requirements. The Libertarian Party is fighting "no-holds-Barr" for ballot access in all 50 states. It will most likely lose; ballot-access restrictions are simply too onerous. Libertarians seek petition signatures in Pennsylvania and West Virginia. Put aside your opinions of Libertarians or Barr. Consider what participatory democracy means to you. And then don't be afraid to sign. Your John Hancock will signify free and open elections.

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