

A FOOT IN THE DOOR

BY E.R. JONES

Note to Readers: I wrote this book several years ago when the State of Washington was suffering an economic correction. I needed something to do when the kids were doing their homework at the kitchen table. So, I started up the laptop and started writing. The text has not been edited. The book is entirely fictional. There is no city of Southport and the descriptions of the City of Olympia, our State capitol, are entirely invented. Our election laws have changed and the descriptions of the election process are not accurate.

My goal was to develop a story in which a third party candidate could affect the outcome of State legislation. I would like my story to remove some of the fear that voters have in voting for third party candidates. I feel strongly that a third party with some clout is desperately needed at all levels of government.

Independent candidates that I have seen usually offer the same mishmashed premises as the representatives from the major parties. They often have a specific issue in mind that drives them to run. In my view, the only third party candidates that continue to persevere and offer a true option to the major parties are the libertarians. Libertarians are very diverse and appear to be loosely organized. My version of how a libertarian would handle the situations presented in this book may be much different than someone else's.

I tried to interest agents and publishers in the book with no success. I hope the book finds an audience on the internet.

It was a beautiful, sunny Sunday afternoon in mid-June. The sky was a deep blue punctuated by some pillowy white clouds. I was out in the garden working happily away. Boo, our cat, was dozing on the front porch. Our dog, Scout, was sitting beneath a tree in our front yard looking at me lazily through one eye, trying to decide if it was safe to nap. The kids were nowhere to be seen. They were awfully good at absconding whenever I pulled out the garden tools.

I had worked hard to perfect my pruning skills and I was working away on some rhododendrons. It was important to prune a shrub or small tree from the bottom and work your way up. Branches that crossed should come out as well. When branches were thinned out, you could see the trunk more clearly and it resulted in a spare, artistic look.

Just then, my wife Cindy pulled into the driveway. It was too late; she saw me with pruning shears in hand. She didn't bother putting the car in the garage.

"John, just what are you doing?" she called out.

"Just doing some really minor pruning honey."

"You do not know how to do minor pruning! Do you remember our last discussion on this subject?"

I pondered for a few seconds and looked up at some beautiful clouds passing above.

"Yeah, I guess so," I said. "But the rhododendrons really needed some attention sweetie."

Cindy had gotten out of her car and was walking across the lawn towards me. There were a couple of small piles of branches lying beneath where I had been working. She wasn't walking over to give me a peck on the cheek. She surveyed the rhododendrons and the cut branches lying on the ground.

"John, we agreed to that we were going to call a gardener for pruning," she stammered. "Someone with your personality should not be allowed to handle a pruning shears,"

"But sweetie, these plants really needed it," I replied. "They look so much better now."

"They do not. It was a good thing I got here when I did; otherwise, you would have really butchered them. Now give those shears to me."

I reluctantly handed over the shears and she took them inside.

I mowed the lawn and then threw the branches and clippings in the compost pile out back. I couldn't find the shears when I looked for them later.

Fortunately, Cindy was pretty forgiving. Usually. She knew what she was getting into when she married me and, over the years, she was usually able to overlook my alleged shortcomings.

The kids started wandering in around dinnertime. They seemed to instinctively show up when food was being prepared. We all sat down at the kitchen table just before six o'clock and Cindy and I listened to the kids tell us about their day.

The kids tried to make a run for it after dinner, but tomorrow was a school day. They groused for a while, but eventually pulled out some homework and one of them even read a little. They were all in bed shortly after nine o'clock.

When I awoke the next morning, the sky was mostly blue with just a few high, wispy clouds. We were having a great stretch of weather. Summer was just about to start. It was Monday, the eighteenth of June. Cindy was lying next to me, still asleep. I slowly rolled out of bed, put on some sweats and went outside to grab the papers. Boo and Scout wanted out. I walked out the driveway to the edge of the street and picked up the paper and walked back in.

The morning headlines stated that the State of Washington had a budget shortfall of one billion dollars per year for the next two years. The recession had hit the State very hard. Airplane deliveries were way down and the State's largest employer, the world's largest commercial aircraft manufacturer, was in the process of laying off thousands of employees. Timber prices were declining and the companies in that industry were consolidating resulting in layoffs. Several lumber mills throughout the Pacific Northwest were being closed.

Living in Pacific County in the City of Southport, life was nevertheless very pleasant. Life was almost too good. Southport is located on a small bay on the Pacific coast about two hours southwest from Seattle by automobile. It has a small downtown, an historic courthouse and is the county seat for Pacific County. The city has its own elementary, middle and high school. The residents are very proud of the city's heritage and are very independent. Their roots are in fishing and logging, which are now depressed industries. Still, the town persevered with its tenacious, loyal and yet friendly residents. High school sports were the biggest topic of conversation around town and certainly the biggest draw on a Friday night.

Southport is a town of about 4,000. It is small enough that you know your neighbors, your kids' friends, the parents of your kids' friends, their teachers, and the local the business people and politicians. If your kid was causing problems in Southport, you soon heard about it.

There are lots of things to do. You can fish in the bay or, if you have a big enough boat, you can head out into the Pacific. You can dig clams, play on the beach or head into woods in the forested hills above the town. One of the world's largest timber companies owns most of the undeveloped land in Pacific County. People joked that if the company ever failed to pay its real estate taxes, the county would shut down.

I am a lawyer. I consult on business and real estate issues, write contracts and an occasional simple will, try lawsuits if I trust the client and believe the cause worthy, and do some probate work. I had put in my time, approximately 12 years, practicing law with James, McCarthy & Simpson, an old, well established, large law firm in downtown Seattle with business and municipal clients. I started off litigating and then gradually moved into business law. I developed some exceptionally good clients and I still do work for several of them to this day, thanks to telephones, email and fax machines.

We have three kids, Oscar, Hank and Natalie. They are 10, 10 and 12; two fourth graders and a sixth grader, respectively. They are happy kids except when they are

sitting together in the back seat of a car. Natalie is the boss. Although they really don't know anything different, they enjoy living in a small town. Their friends are within walking or biking distance. They usually walk to and from school with their buddies. We never lock a door except when we go to bed. Most people in town never bother to lock their doors.

When I opened my practice in Southport, I rented an eight hundred square foot space at the end of the city's downtown strip next to the dentist's office. I hung out my shingle, "John Austin, Attorney at Law" and waited for the phone to ring. Only it didn't. The city had one other lawyer at that time, Philip Yates, who had been practicing in the area for over forty years. Philip was in his late 60's at that time and had mentally checked out. The court clerks, judges and even opposing counsel watched out for him. Still, the community trusted and liked Philip.

A few days after I moved in to my office, I walked over to Phillip's office to introduce myself. He was cordial and very reserved. There were stacks of files on his desk, on the chairs around his desk and on the floor of his office. He complained about not having enough time to do the work. I offered to help him on a few things without charge. He first refused, but after a few days, he called and invited me to lunch. He wouldn't admit that he needed help but stated that he would like to help me out and provide me with some business. I quickly started cleaning up his messes and after a few months, I gained his trust and my phone began to ring.

Philip was relieved to get some help but he never admitted it. His wife was a retired schoolteacher and he was a commissioner of the local fire district. Their needs were modest and he and his wife were able to retire in relative comfort with the help of the State retirement program.. Phillip and I developed a good relationship and I sometimes still seek his advice when dealing with some of the more difficult people around town.

I could afford to be choosy about my clients. I have clients from Seattle that still come to me for legal advice and Cindy and I were in solid financial condition. The cost of living in Southport was probably half of what it was in Seattle.

Practicing law in Southport was a bit different from practicing in Seattle. I had to be careful about maintaining a polite demeanor, even when dealing with opposing parties or counsel who were making it difficult to do so. While most people usually understand and respect a lawyer that does not equivocate, they do not enjoy nasty and unpleasant behavior, particularly in a small community. I worked hard at being polite even if I had to be disagreeable.

I got the best work in town. I represented some very respectable people of varying means and backgrounds and some very well run businesses. My rule of thumb was to only take on clients who I liked and respected. Whenever I ran into somebody who was after vengeance and wanted to sue at any cost, I showed him or her the door. Notwithstanding all of the lawyer jokes that friends and acquaintances delighted in telling me, from what I could tell, I was a trusted member of the community.

I was sitting at the kitchen table reading the paper when Oscar first wandered in. “Hi dad,” he said as he shuffled into the pantry for his cereal.

Oscar was one heck of an athlete for only being ten years old. He played defensive back on the town’s rookie league football team, second base in baseball and guard in basketball. Hank, Oscar’s younger brother by approximately half an hour, came in a few minutes later. Hank was also a very good football player and played on the offensive line. He was a little larger than Oscar. He played shortstop on the baseball team and forward in basketball. In their spare time, which seemed to be plenty, they practiced squaring off on an imaginary line of scrimmage and hitting each other. When they weren’t doing that, they wrestled or played one-on-one basketball. They just finished up with baseball season and before that was basketball. I couldn’t wait for football season to start because that usually diverted their attention from banging on each other.

Natalie came in a few minutes later and gave me a big smack on the cheek. She was twelve years old and cute as a bunny. I am sure she was giving several boys in her class heart palpitations. Her interests were music, dancing, horses, softball and basketball. Boys, on the other hand, were totally useless.

Cindy came in next to fix breakfast, looking very good without a hint of makeup. “What’s the paper say this morning?” she asked.

“The State is going broke,” I responded. “Tough times have just started and the State’s budget has already turned negative. The economists are saying that the economy will be slow for a couple of years. It will be interesting to see how the politicians get out of this one.”

“Why don’t you go help them Daddy?” Natalie said.

“Help who?” I said.

“The politicians.”

“I would rather go to the dentist and have some teeth pulled,” I said.

“Hmmpf,” she responded. “Well, if you aren’t going to help them, stop complaining.”

“Sweetie, it is a national sport to complain about politicians.” I explained.

Breakfast continued with me directing the kids to bundle up their homework from the night before and get it into their backpacks. There were only a few days of school left and then summer vacation would start. After breakfast, Cindy shoed the kids out of the kitchen to get ready for school.

Life in a small town was very different than Seattle and I enjoyed it immensely. It certainly helped that this was a small town populated by lots of genuinely nice and caring people. The kids were, with rare exception, well taken care of. There were plenty of recreational things to do and the big city wasn’t too far away if you need a dose of culture. I particularly enjoyed the fact that everything was close by. Our home was only a short drive to downtown where my office was located. The kids could walk to school. The ocean and some coastal mountains were only minutes away.

I got to work at 8:30 am, my usual starting time. My secretary Jennifer was already there. She handed me some phone messages and the day was under way.

At about 11:30 am, my close friend, golf buddy, client and neighbor, Mark Dilbert stopped by. Mark was the town dentist. He was funny, smart and interested in absolutely everything going on in Southport. He had been divorced for several years. He retained custody over his twelve year old daughter, Melissa, who was best friends with my daughter Natalie. We shared a lot of interests including golf, basketball, our daughters and politics.

Mark was on the lookout for someone new to date and I think he had his eye on Jennifer, who was about fifteen years younger than Mark.

“Hey John, how old is Jennifer?” Mark asked.

“Mark, she is not your type.”

“What do you mean? She is cute, smart and single.”

“Mark, she is too smart, cute and young for you. She has a boyfriend who is approximately her own age. They are talking about marriage and starting a family. Besides, in a few more years, she would be wiping the drool off of your chin while you are drinking you’re your dinner from a straw. Find someone your own age. I can make a call to the assisted living center to see if there are any prospects.”

“Hey, I might be interested in a rich widow,” Mark replied. “I could work on her teeth for free. Come to think of it, those old gals don't really need teeth.”

“Mark, how can I help you? I asked. “I have work to do.”

“Jim Dorfman told me that he will not be running again for the State Senate this year. The word is that Dave Barnstrom will run as a Democrat and Henry Dilson will run as a Republican. Those old farts will just milk the system like all the others. I think you should run. You have until mid-July to file. For once in your pathetic and useless life, you can stop complaining and actually do something. What do you lawyers do every day anyway?”

Jim Dorfman owned the local hardware store. He was a conservative Democrat who served in the State Senate for two terms and before that in the State House of Representatives for five terms. Everyone liked Jim. His mission in life, besides selling hardware, was to seek every possible State grant, loan, subsidy and public works project for the community. He had not been too successful at that because of the small size and remoteness of the district. The other side of Jim was that he was very independent and did not always play ball with his fellow Democrats. He had made many enemies in the legislature because he didn't always vote the party line. The community admired his independence, however.

I had a significant amount of exposure to State politics during my stint in Seattle, but always as counsel working on getting legislation passed or defeated. I had a manufacturing client who was heavily involved in the legislative process. The company's legislative efforts sometimes paid off and most of the time did not. In the meanwhile, I gained a great deal of exposure to to the State Legislature. I occasionally testified before legislative committees and drafted language for various bills. My client and I used to meet with the lobbyists to help strategize and provide whatever background services were needed in getting bills through the legislative maze. I was not a registered lobbyist like some lawyers – I was a back-up player.

While doing that work, it was easy to compare the remarkable distinction between common law concepts which had been developed by learned judges over hundred of years versus legislation adopted at the stroke of a pen by legislators who often had no

idea what they were voting for. The common law moved slowly in response to resolving real disputes between human beings and was rooted in age-old concepts such as negligence. Legislation on the other hand was quick, arbitrary, often untested and ill-conceived and adopted only because a certain number of votes were garnered.

What made the legislative process truly frightening was that few legislators have the skills, time or inclination to actually read and understand a draft bill. They rely on other legislators, aids and lobbyists to tell them what the language says and what it means.

I had all of those thoughts running through my mind after hearing Mark's suggestion about running for the open seat. I had never given one moment's thought to running for office. It just wasn't for me.

Against my better judgment, I had lunch with Mark. I made him promise to give up any thoughts of dating Jennifer. He would have agreed to anything at that point, because he really wanted me to run for Jim Dorfman's open seat. Mark also wanted to be my campaign manager and chief strategist. He was getting a great deal of enjoyment out of his plan. Mark had entirely too much time on his hands and an overactive imagination.

Mark is the most confusing and unpredictable person that I have ever met. He is always smiling and he never seems to have a bad day. He grew up in Southport and was an excellent high school basketball player. He is six feet four inches tall, curly hair and lanky. After high school, he played ball for the University of Washington. He went from playing center in high school to guard in college and despite playing against some very good athletes in the Pac 10, he was a stand-out. He started as a junior and senior and made the Pac 10 All Defensive Team as a senior.

I attended the UW at the same time as Mark and, by chance, I met him in an economics class when we were juniors. Mark was very outspoken and opinionated. He was committed to free market economics and would not hesitate to debate anyone who thought differently, including professors. I did not much care one way or the other. I was most interested in meeting girls and keeping my grades up. I had spent two years in the Army prior to going to college and I was just happy to be there.

Mark was unusually smart. He got excellent grades but never seemed to study. He could digest and understand complex and large amounts of information. He also didn't care what anyone else thought about him. This made him a very formidable individual. When I first met him, our economics professor was lecturing on the comparative advantage of a planned economy over a free market system. As I was focusing on an attractive young woman in a row in front of me, my attention was interrupted by the following exchange.

"Professor," Mark stated, "Can I ask a question?"

"Certainly, sir."

"You seem to think that a planned economy is superior to a market economy. Is that true?" Mark asked.

"I do think that planned economies have certain advantages," the professor responded, somewhat huffily.

"Would one of those advantages be that planned economies are run by dictators?" Mark inquired, somewhat sarcastically.

"Mr. Dilbert, my point has been that given the efficiency in which modern day computers can calculate the needs of men and women, it is simply more efficient for a central government to take over the supply and demand sides of the economics equation by simply estimating demand and ordering the proper number of items of each commodity."

"Can the computers be programmed to take into account changes in consumer tastes?" Mark asked.

"Of course," the professor stated.

“Oh, really. You mean to tell me that if I change my mind that I want a red t-shirt instead of a blue one, the computer will have it ready for me?” Mark asked.

“Well, it may not get to that level of detail. Some consumer tastes are rather trivial,” the professor responded.

“Oh?” Mark replied in an even more sarcastic note. “Can a computer predict outbreaks of certain diseases and order up enough medicine to be ready? Can a computer create or order the creation of new medicines to deal with developing health problems? Can a computer reallocate capital from say the production of typewriters to the development of more complex machinery to deal with a foreseeable demand?”

Mark could be very rude and he rarely cared who he insulted. That included women, but that is another matter. The class had drawn very quiet. Mark had taken on the professor and he wasn’t showing any signs of backing down.

“Mr. Dilbert,” the professor responded in a very irritated tone, “command based economies are competing very effectively in this world. Enterprises do not need stockholders and boards of directors to be efficient. Communal enterprises governed by trained managers are generating quite adequate goods and services for their communities and they can only obtain greater knowledge and efficiencies over time.”

It was clear that the professor did not like being challenged.

“You’ve got to be kidding!” Mark blurted. “Those economies, the Soviet Union, China, North Vietnam and so on, are living at subsistence levels. Their elections are shams, they don’t have freedom of speech and their prisons are full of political dissidents. Unlike the United States, those economies are not developing new technology or new medicines. They don’t have the money for most families to even put a decent plate of food on the table. There is no comparison between those places and the United States. You must have your head in the sand if you really think those systems are better, by any measure.”

“Mr. Dilbert, your postulations are very interesting but you are now interfering with my class. I would appreciate your letting me proceed with my lecture.”

The professor was clearly flustered. He avoided calling on Mark for the rest of the quarter.

Mark enjoyed women. He did not care what they looked like, where they were from, what they wore, who their parents were or any other background fact. He liked them all, but he also had a knack for alienating many of them. When he looked at a woman, he would totally focus on her. After a few words, he would make her feel like a princess. I was convinced that he wasn’t faking the interest. The funny thing is that it could happen several times per day. The problem was that after a few exchanges of words, the alienation process would often begin. As with the economics professor, he enjoyed confrontations and did not always say the right thing. I have seen him slapped several times.

We became good friends in college and shared an apartment together during our senior year. Living with him was something else. He didn’t just sit on a couch – he spread out all over it. The minute he walked into a room, he was asking questions and picking up things. He was curious about everything. He was always having fun. He could have fun doing the simplest and stupidest things.

After college, Mark went to dental school at the UW and I went to law school in California. We stayed in touch sporadically over the years. Mark got married during his

last year of dental school to a striking blond who worked as a flight attendant for a major airline. He and his wife lived in Seattle for a few years and then they had Melissa. They moved to Southport, Mark's hometown, where Mark opened his practice. After that, his marriage started going downhill.

Mark was a small town boy at heart. He had many friends in town and he enjoyed reliving his high school memories. His wife, on the other hand, missed the fast pace of traveling and living in a big city and did not take well to motherhood. She ended up leaving him to resume her travels. They had a quick divorce and Mark was awarded custody of Melissa, who was then three years old. Mark has his faults, but he loves Melissa very deeply and she has the strength of character to prove it.

Mark is a devotee of all things libertarian. It goes with his libertine nature. As a senior at the UW during the height of the streaking craze, he streaked the Tri-Delt sorority house one night after having tipped a few beers. As he was running across the front lawn of the house with many of his cohorts urging him on at the top of their lungs, he tripped on a sprinkler hose and went flying. The mask he had been wearing came off as he went careening across the wet grass on his back into some bushes. Many of the girls had come outside to see what the ruckus was all about. Fortunately, someone had a camera and took several pictures. One of them ended up on the front page of the UW Daily the next day. I have kept that picture in a safe place and have threatened many times to show that picture to Melissa.

Mark can quote major parts of John Galt's speech in Atlas Shrugged, he can discuss the philosophy of the minimalist state from Robert Nozick's Anarchy, State and Utopia and actually understands free market economics written by Hayek and other classical economists. He is a true believer.

When we were in college, he managed to draw me in to arguments about economics and political systems and eventually, his ideas started to take hold. I was not the idealist that Mark was and did not have his depth of knowledge, but I came to a simple understanding that individuals should be free to do anything which does not harm another and that the only purpose of government was to protect individuals from the aggressive use of force and fraud.

At lunch, Mark went to work on me to run for Jim Dorfman's open seat in the State Senate.

"Mark, why don't you run?" I said.

"Everybody knows what a kook I am," Mark explained. "Besides, you have the legal knowledge and background of how Olympia works. You are perfect. You don't work very hard anyway and you need something to do. It's only for two months a year."

"It is for three and a half months in the odd years and it could be more if special sessions are called," I said. "But the real problem is that I detest politicians of all stripes. Even if I won the election, which I doubt, there is no way that I work effectively in that environment. I have no grand programs and I have no ability or desire to lead other people."

"That is the beauty of the whole thing," Mark exclaimed. "Run as a Libertarian. If you win, you will not have to play ball with the Democrats and Republicans. Everyone will ignore you."

"Then why do it? I asked.

"Because you are too comfortable with your cozy little practice, your cute wife and your cute kids. Besides, I always wanted to know somebody important."

"Thanks."

He continued to work me over at lunch in his rude and callous way. I mulled Mark's comments over for a few days. It was true that my life had settled into a routine. I tried my best to stay out of the courtroom although sometimes it was unavoidable. But even trying cases in Pacific County did not lead to inordinate amounts of stress. Trial dates and cut-off dates for motions and discovery were usually worked out by a conference with the court clerk and opposing counsel. Discovery was often informal as opposed to the long drawn out process used in the big city. I rarely sent out or received interrogatories.

Cindy also kept an eye on my workload. I will admit to having some compulsive attributes to my personality, which is not good for a lawyer. While working in Seattle, I went through a phase where I did a lot litigation work. I had a hard time putting an issue down and going home at night. I worked some crazy hours and a lot of weekends. One year, I billed over 2,400 hours, which was nearly a record in my firm. 2,400 hours isn't a big deal in New York or Chicago, but it is in Seattle. After that, Cindy told me in certain terms that she was not going to put up with that schedule again, so I started looking for other kinds of legal work. I had mellowed quite a bit as I got older though. Now, I could handle an occasional case without going haywire about solving every little aspect of it.

I enjoyed having breakfast with my wife and kids in the morning and having dinner with them at night. I was able to play golf two afternoons a week, play basketball on Thursday evenings and take my wife to a movie on Saturday nights. It was a pace and style of life that would have been impossible to maintain in Seattle, but here, it was easy.

Cindy and I were also very comfortable economically. For some unexplainable reason, I had uneasy feelings about the levels that the stock market reached during the latter part of 1999 and early 2000. We had invested in stocks with our surplus cash received from the liquidation of my partnership interest from my previous employer and

from the sale of our Seattle home. Cindy and I both had 401(k) plan accounts from our employers in Seattle and we had rolled them into our own personal IRA's when we moved. We originally invested those funds heavily in stocks. We were fortunate to have picked many winners, although, during those times, it was hard not to.

During the winter of 1999-2000, the markets got too crazy for us. Our net worth had gone up considerably and for a couple of former poor kids, it seemed too good to be true. After many discussions with our financial advisor, we bailed out of most of our stocks right after the first of the year. At first, we felt like idiots because the stock market ran up substantially after we sold. We had put almost everything in Treasury Bills and our plan was to keep it there until we figured out a plan. I remember getting almost sick to my stomach one afternoon after listening to the stock market reports on the radio and wondering why we had sold. Then the markets started to fall and fall and fall. We began to feel very lucky. The markets remained so unsettled that we just stayed in T-bills, too dumb to buy anything and too dumb to sell. We gradually worked our way into a balance of bonds and conservative, dividend paying stocks ever since and as a result, our retirement appeared to be secure.

It was true what Mark said. My life was very comfortable. I had a very satisfying and stable family life. I enjoyed the people of Southport and I enjoyed doing their legal work. I kept my law practice simple. Maybe I did need some excitement in my life.

One day in early July, while in the County Auditor's office recording a deed for a client, I stopped by the elections desk to chat with the clerk.

"What is the filing deadline this year?" I asked.

"July 26," he responded.

"Has anyone filed for Jim Dorfman's seat?" I asked.

"Yeah. Dave Barnstrom has filed as a Democrat and Henry Dilson has filed as a Republican."

I had met both Dave and Henry and was not impressed with either. Both had served in the State House of Representatives and, from what I could tell, neither appeared to be particularly adept in business. They probably were both interested in the extra income and the State retirement program that a State position provided.

"You got one of those candidate registration forms handy?"

He handed over the form and I took it home. After dinner that night, I mentioned that Mark had been twisting my arm to run for the State Senate.

"John, you are the most anti-political person that I have ever met. What in the world will be your platform? Why would anyone vote for you?" Cindy remarked.

"You sure make me feel good sometimes."

"John, I am serious. I would vote for you and so would some of your golf and basketball buddies. But you wouldn't bring home the pork – you have nothing to offer."

What is it about wives?

"Sweetie, maybe people are ready for someone like me," I responded. "Aren't you tired of the politicians' promises? How many times do we have to hear that the only thing stopping this State from solving its problems is leadership and vision? Every politician out there has been taking leadership lessons. They can't wait to lead ordinary folk down their path. What happened to the day when government just existed to catch the criminals and maintain the roads? That doesn't require some magical notion of leadership. I just want government to take on some simple tasks and accomplish them at a reasonable cost."

"John, if you want to give it a try, be my guest., but don't let this thing get out of hand. You know how you can be."

"Yes, dear."

"Would you run as a Republican or a Democrat?"

"Well honey, I am not a member of either party. I have always been an independent. I think taxes should be simplified and reduced which disqualifies me as a Democrat. On the other hand, I believe in a strong separation between church and State and I detest business protectionist measures such as tariffs and government subsidies. That puts me out of the State Republican party. The mainstream parties have their own agendas for government. Both want to spend our money, just in different areas. I like the idea of running as a libertarian. Besides, I think we should have more hookers!"

Cindy shook her head and glared at me and said, "I am not even going to respond to that one. If this is what you really want, I will lick envelopes and put up posters, but don't expect me to hold teas for my garden club. And by the way, I love Mark, but his judgment can be pretty questionable. Remember that bachelor party that he last year for one of your basketball buddies?"

“Sweetie, Mark’s just an overgrown kid. We’ll have some fun doing this and maybe we’ll create some havoc with the old timers and then we will be done.”

The next day, I filled out the election form to run as State Senator for the 19th Legislative District. I wrote out a check for the filing fee and delivered the check and form to the elections desk at the county Auditor’s office. It was surprisingly easy to choose a party affiliation. If you were not Democrat or Republican, you just checked the “other” box and wrote in the name of the party. I considered writing in “independent,” “horndog” and a few others, but I settled on “libertarian.”

I had never run for office before and had never even helped with a campaign. When I worked in Seattle, I had made my share of campaign contributions and attended a numerous fund raising events, usually at the request of a senior partner or client. I always felt a little used and dirty after those events. I was never fully committed and was only there due to business obligations.

One of the things that I detested most about the political functions were the repetitious and obviously pandering claims of patriotism and religious subservience. The invocation by a local pastor, the pledge of allegiance and a flag raising ceremony by the local honor guard were standard procedures. I figured there must be some rule that required every political get together to be started that way. I felt positively insulted by those ceremonies. My first resolution is that my campaign meetings will not use them. I felt strongly that religious beliefs should remain a private and personal matter for politicians and that flag waiving was simply trying too hard.

That afternoon, I met with Mark for lunch to start planning my campaign.

“Mark, what do you know about running a campaign,” I asked.

Mark responded. “Not much, but I have some great ideas. John, I think you should hire a bunch of hookers to hand out leaflets. They could wear red halter-tops, blue short shorts and white high-heeled shoes, or perhaps white boots. You would get all of the loggers and fisherman to vote for you.”

“Mark, it is time to get serious. I am not doing this as a total lark. I am going to give this a decent try. When I lose this election, as I undoubtedly will, I will still need to live in this town, raise my kids here and make a living. Whatever I say or do, it is going to be serious.”

We started to make an outline of my platform and ways to publicize who I was and what I stood for. I was not an ideologue like Mark. But I was sick and tired of being taxed and not feeling like I was getting my moneys’ worth out of the government. I was frustrated that government had not gone through the same efficiency revolution as private business had during the last decade.

During my approximately twenty years of practicing law, I saw the structure of law firms change radically. When I first started, the senior partners would have two hour and longer lunches with the owners and managers of our clients. Everyone would start with a cocktail and wine would be served with the food. The projects were large, many aspects were delegated and the bills were enormous. Each partner had a secretary. Associates usually shared a secretary. Close to seventy percent of the revenues generated by a law firm was consumed in overhead. The revenues also often supported retired partners with a cushy retirement. Then, somewhere in the early 1990’s along with the advent of the personal computer, attorneys got tired of feeding the overhead. The collegial nature of the practice of law started to change and the firms began to get very serious about reducing costs and increasing income. Law firms that were unable to cope disappeared. Aggressive rainmakers often set up their own shops to avoid the heavy costs of their old firm including the cost of carrying the deadwood. The bottom line became very important and the concept of making a profit superseded the collegial aspect of the practice of law. By the time I left Seattle in the mid 1990’s, there was no such thing as a two-hour lunch with drinks and wine. Computer terminals appeared on attorneys’ desks and instead of one secretary per lawyer, it was not uncommon for one secretary to serve three, four or more lawyers.

It took a few years for the development of the personal computer and various legal support software programs to really impact the firms, but by the end of the 1990’s, they had really taken hold. The computers made it possible for attorneys to pump out documents and manage files from their own desks. The cost of overhead dropped dramatically and the survivors’ practices benefited substantially.

Other businesses went through the same revolution in productivity as well. Large secretarial pools were a thing of the past. The pressure for corporations to be cost effective and grow earnings skyrocketed. Inefficiencies were being rung out of the system. The markets would not tolerate the low rates of return on capital that so many of our industries generated.

With the exception of the court system and the county auditors office, I couldn't see much change in the way government was conducted, however. In fact, due to the myriad of regulations that government agencies had been passing, it appeared to me that the most levels of government were top heavy with management staffs and administration. Government appeared to be going in the opposite direction as business.

As Mark and I were discussing all of this, we decided to reschedule our appointments and continue the discussion through the afternoon with the intent of developing a campaign plan.

Despite his considerable idiosyncrasies, Mark was extremely smart and it was a challenge to keep up with his thoughts. While being well grounded in classical liberal philosophy and economic theory, he realized that we had to keep it simple. The 19th legislative district did not have a particularly highly educated populace, but it was hard working and independent. We both settled on the fact that my campaign should be based on their pocketbooks – that is limiting the State to its essential functions and reducing taxes. It would be easy to differentiate myself from my opponents on this point. There was no way Dave Barnstrom, the Democratic candidate, would pledge to reduce the size of government. It was possible that Henry Dilson might make that pledge, but hardly anyone would believe him.

Economic times were tough and a new cynicism had developed. The people of the State of Washington had, in recent years, voted in several referendums to reduce or hold the line on taxes. They no longer trusted the Legislature to do the right thing. The problem now, however, was that the State was now in a serious financial bind. During the latter part of the 1990's, when the economy was soaring, the State's tax revenues also soared. The State had gone on a spending spree. Now that the economy had slowed down, tax revenues slowed as well. The State was heavily dependent on sales taxes, property taxes and taxes on the gross receipts of businesses. While property taxes held up pretty well during recessions, the other two were cyclical and moved up and down with the economy.

The Central Puget Sound area, which included the cities of Tacoma, Seattle, Everett and Bellevue, had exploded beginning in the mid-1990's. High tech companies, bio-techs and start ups were everywhere. The cost of housing and office space went through the roof. Landlords and developers were making bundles. Tax revenues swelled and the State's budget had increased significantly during those years.

But now times had changed. The Central Puget Sound Economy fell hard. \$40.00 per square foot office space was now being offered on sublease for half that and less. Home prices were still increasing, but only due to a shortage of developable land that hampered supply and a sharp decrease in mortgage interest rates. Unemployment was now 7% statewide, up two points. Many dotcoms no longer existed. Stock prices of high tech companies that did manage to survive the downturn were often reduced by two thirds and more. Many had not survived and investors had been crushed.

The newspapers were full of stories of employees of high tech companies who had borrowed cash from their banks or brokerage firms in order to exercise their stock options and, thinking that the price of the stock would continue to go up, retained their stock. When the stock price plummeted, they still owed on loan, and worse, they owed the IRS for the income they recognized upon the exercise of their options. They were forced to sell their stock at low prices to cover their margin loans and pay the income tax.

To make matters worse, when they sold for a loss in a tax year after the exercise date, only a small portion of the loss could be deducted for income tax purposes. Law firms specializing in bankruptcy, which had been decimated in the late 90's, were now back in full swing.

Unfortunately, the politicians of the State made a lot of the same mistakes as many of the former dotcom millionaires. State spending along with tax receipts grew significantly through the 1990's, but now the party was over. The State of Washington was now receiving a serious margin call.

Pacific County never participated in the dotcom explosion. On the contrary, lumber prices had been falling for years and through a combination of government policies that made cutting timber extremely difficult and expensive, the industry was in a serious decline. Fish harvests, both salmon and bottom fish, also started to decline in the early 1990's as well. Local fishing fleets have been decimated. Pacific County and its neighboring counties were hit hard. Timber and fish still played an important part of our local economy but now our civic leaders were focused on bringing in manufacturing, tourism and service oriented businesses.

It was against this backdrop that Mark and I developed our campaign strategy. While we knew our chances of winning were slim to none, we figured we could cause both of the other parties fits by providing a true alternative.

The 19th legislative district and covered Pacific County and part or all of three surrounding counties. It was a rural district adjoining the Pacific Ocean and was sparsely populated. Pacific County had approximately 21,000 residents. The 19th Legislative District has an approximate population of about 75,000 and about 45,000 registered voters.

Washington has three branches of government that have the same structure as the federal government, although it differed in some details. The Governor is the chief executive and is elected by popular vote to a four year term. The Supreme Court is composed of nine elected judges who hear appeals from the State's lower courts. The legislative branch is composed of a House of Representatives and a Senate. All of the branches are headquartered in Olympia, the State's capitol, which is located at the southern edge of Puget Sound, approximately between Southport and Seattle. Olympia is about an hour's drive from either Southport or Seattle, although the Seattle commute could be awful at times.

The House and Senate in the State of Washington follow a two year legislative cycle. In the odd years, both bodies have a regular session of not more than 105 days commencing in early January. In the even years, the regular session is limited to 60 days. The Governor may call a special session if he or she deems it necessary. There are 49 legislative districts in the State. The Senate has one seat per district and the House has two. The Senators serve four year terms and the Representatives in the House serve two year terms. Legislation must pass both Houses and then avoid the Governor's veto in order to become law. If the Governor exercised his veto power over a bill, it could nevertheless be passed on two-thirds vote of both the Senate and House.

Washington does not have any form of term limits. Senators and Representatives receive a little over \$30,000 per year in compensation and per diem of less than \$100.00 per day during a legislative session. Most members of the State legislature have other jobs or are retired. Interestingly, unlike the United States Congress, few members of the State House and Senate are lawyers.

Even with a part time legislature whose elected members were not totally dependent on the salaries paid to them by the State, the legislative process was highly politicized. Each party has its ruling members and they dictate what bills will actually make it out of committee for consideration by the entire body.

Several industry associations and unions are extremely influential in Olympia. The most powerful influence by far was the Unified Teachers Association. The UTA is a union representing public school teachers. Any State representative or senator who votes against the UTA can expect to pay a price for doing so. Voting against the UTA means never having its cooperation on any legislation that you wanted to get through.

As Mark and I developed my campaign strategy, I came to the conclusion, reluctantly joined by Mark, that we would not do any serious fundraising. We would certainly accept contributions but would not actively solicit them except for hitting up some of our friends. Neither one of us had the time to do fund raising and it was just too demeaning. We both would make personal contributions to the campaign so we could at least finance a minimum amount of publicity. Given the fact that the 19th Legislative District was sparsely populated with about five main cities scattered throughout the district, we figured that my primary approach would be knock on as many doors and make appearances at every rotary luncheon, garden club meeting and grange dinner possible. People in Pacific County wanted to see a face and shake a hand.

As required by statute, I appointed Mark as my campaign treasurer and he established a special account within which to deposit campaign contributions and make campaign expenditures. Mike and I each wrote a check for \$1,200, the statutory limit for initial contributions, to open the account.

“Our first job is to obtain some endorsements,” Mark declared.

“I am not sure, but I think my wife may say a good word or two. Natalie, Hank and Oscar usually have nice things to say about me,” I added.

“That’s only when you are around. You should hear what they say behind your back. As for Cindy, I think she has a thing for me. In case you ever kick the bucket, I wouldn’t be surprised if we hook up. She is pretty hot, you know. Melissa and Natalie would have so much fun growing up in the same house together.”

“Mark, just for once, can you give me a straight answer?” I asked.

“You started it,” Mark replied.

We spent the rest of the month putting the word out that I was running. No one really knew about what a libertarian was. We developed a very simple explanation applicable to myself, namely, that I believed that State government should limit itself to the basics, like providing police protection, courts and jails. That was fine as far as it went but it always begged additional questions. “What about roads, bridges and park?” someone would ask.

I was forced very quickly to deal with some very practical questions.

The State government had become involved in so many things that I simply could not ignore them. The State Department of Transportation builds and maintains State highways and ferries. The State Liquor Control Board maintains a monopoly on the sale of spirits. The State’s largest agency is the Department of Social and Health Services, which runs a myriad of programs from regulating nursing homes, providing food stamps for indigent persons and administering welfare benefits. The Department of Ecology licenses the use of surface and ground waters, regulates sewer systems and administers State and Federal programs regarding air and water quality. The State Department of Health regulates public water systems, drinking water quality and hospitals. I could go on and on and on. The agencies were so numerous and their jurisdiction so vast, it was difficult to comprehend.

When someone wanted to discuss details regarding the various functions of the State, I obliged them. It didn’t hurt that I had been practicing law in this State for approximately 20 years and had dealt with many of those agencies in one way or another

in my practice. I usually responded that I would look for ways to replace those functions with private alternatives or do away with them altogether, but that usually didn't cut it because it did not address the status quo. My second line of attack was that while those agencies existed, if elected, I would do my best to make sure that they did not exceed their statutory powers and that their budgets, which were approved bi-annually by the State Legislature, would be kept to a minimum.

Mark and I wanted to communicate the message that I would respect the earnings of every individual and business that I would only support taxes for essential governmental functions and so we developed the following for my campaign platform:

1. Reduce taxes.
2. Limit State functions to those which are identified in the State Constitution.
3. Make the State be as efficient as private industry.
4. Maximize individual rights to freedom and property.

We printed up my campaign platform on a flyer and began circulating them around town.

Later that week, I dropped a flyer off at the city's only newspaper, the Southport Weekly. I asked to see the editor, Joe Derby. Joe also did some carpentry work in the area and was a fixture around town. Joe agreed to see me and invited me back into his office.

"Joe, I would like to inquire about the process for obtaining your paper's endorsement of my candidacy for State Senator," I said.

"I heard that you had filed for office. It's a little unusual for a newcomer to run for the State Senate right off the bat," he said and then added, "John, newspapers do not usually issue endorsements until October, and why in the Hell are you running anyway?" Joe asked.

"I want to offer something different. I am not going to promise leadership. I will not lead my flock to salvation. I am simply sick and tired of government, and specifically the legislative process, from being used as a tool to somebody's end. I am not going pitch a big tent. I will simply provide an alternative for voters who have lost trust."

"Sounds mildly interesting, but why run as a libertarian? He asked. "You have no chance of winning under that ticket."

"Joe, there is no way I can run as a Democrat or Republican. I have seen the process too closely and I still have bad dreams about how it works. I have no long-term political aspirations. I simply want to represent voters who wish the State would return to its roots."

"John, when our editorial board convenes in early October, we will be pleased to interview you. We will of course interview the other candidates and then make our endorsements. In the past, we have always reached a consensus on the best candidate for each office. I am sure we will have no problem doing so this time. I can make no promises except to that we will offer you the same chance as the others."

That concluded our conversation and I thanked him for seeing me. We shook hands and I left.

At home that evening, after we got the kids to bed, I discussed the day with Cindy.

"What is going to happen to our income for the three or more months that you are away at the Legislature?" she asked.

Although not a big spender, Cindy was very protective of the monthly stipend that she received from me to put food on the table and shoes on the kids. The meager wages that she received from the school district were discounted by over 40% by the IRS for federal income tax, Social Security and Medicare. She did not like the idea of my and specifically, her income decreasing.

“Well honey, if I win this election, which I will not, our income would decrease while the Legislature is in session. The State does pay a Senator a little over \$30,000 per year as a salary plus a small per diem while the legislature is in session. I would still be able to get work done during the session although not while using State facilities. Being a Senator is a four-year commitment. We have no debt and sufficient income on our investments to make up the shortfall. I might have to cut you back a little for a couple of months, though.”

Cindy glared at me and responded, “I don’t mind you trying this lark, but if you succeed, you are going to get off your lazy ass and work harder so that this family does not suffer a reduced income. You can start working on Wednesday and Friday afternoons instead of playing golf.”

After 15 years of marriage, there were times when Cindy did not get my jokes.

I humbly responded, “Sweetie, you are dead right. I will make sure that this little adventure doesn’t cost us anything. I will work harder. But you know, playing golf twice a week is therapy. I got out of Seattle so I could do things like play golf during the week. I really wish you would treat golf with the proper respect that it deserves. It is a very important part of my life.”

Golf was indeed an important part of my life. After Cindy and the kids, I think it was tied for second with work. What better way is there to spend four hours on a sunny afternoon? Playing golf was as much a social outing as it was physical and mental exercise. I usually played with Mark and two other friends, Rob George and Paul Barrows. Rob owned an automobile repair shop and used car lot in town and Paul sold casualty and life insurance. Mark and Rob usually paired up against Paul and me. We would play two games – best ball (the lowest score on each team wins the hole) and aggregate (both scores from each team are added together and the lowest wins the hole). I was the best player and Paul was the worst, so Paul and I always teamed up against Mark and Rob. The teams were evenly matched and no strokes were given. The insults exchanged during the course of a round were vicious, incessant and sometimes made in fun. Whenever I brought one of the kids to caddie for me, usually in the summer months whenever one was desperate to earn a few dollars, I had them walk up ahead or behind so they would not hear all that was said.

Cindy shook her head and mumbled a few words that I could not hear. I did not ask her to elucidate.

Cindy and I had an interesting marriage. We got along pretty well most of the time and were very good friends. When we had disagreements, I made most of the concessions and admissions, as in admissions of guilt or stupidity. This was not easy because I grew up in a home where the old man was boss. My parents were married for over 50 years. My dad fought in World War II. He went to work every day and while Mom did too, dad was the boss and mom catered to him. I had to unlearn many aspects of family life.

When I got married, which wasn't until my thirties, I faced a new reality. Cindy was very well educated, made a good living and was a fixture in her firm. She had her own interests and hobbies. She wasn't interested in catering to my every need although she was certainly more accommodating before marriage than after. I accepted that and adjusted, although Cindy did not always think so. I doubt whether my dad ever changed a diaper. I changed more diapers than I could count.

The next few weeks were business as usual. Mark and I usually had lunch together and continued to work on our campaign strategy. I applied to the Washington State Libertarian Party for an endorsement. I provided my background information and the party was happy to help. After the party identified me as a candidate, financial support came trickling in. Pretty soon, we had about \$4,000 in the campaign account.

One of the first things we did was to work on my statement for the Washington State Voters Guide. This was a government publication distributed about a month prior to each election. Each candidate and the proponents and opponents of each ballot measure were allowed a short space in the guide to make a statement. We did not have much room and we wanted to make the most of it.

The biggest obstacle that Mark and I wanted to overcome was the thought that a vote for a third party candidate was a wasted vote. If nothing else, we wanted to convey the thought that while a third party vote may not result in a victory, it would send a message to the other parties that there were voters who were not satisfied with the traditional parties and that those votes mattered.

Mark and I had spirited discussions and went through numerous drafts of my statement for the Voters Guide. In the end, we settled on the following:

I believe that the State of Washington must get back to basics. This means that it must provide police protection, and courts to resolve disputes. It must prosecute criminals and operate jails to incarcerate them. I support the elimination of all but the most essential functions by the State. Taxes must be minimized.

I am not anti-government. I support limited government in accordance with the State Constitution. I support part-time citizen legislators. I support term limits for all legislators.

I am neither a Republican nor Democrat. I am not supported by special interests and I don't care for their support. I am beholden to no one. I will vote for what I think is right. I will not trade votes.

Regardless of the outcome of this election, a vote for me will send a signal to whomever wins that you, the voters, are dissatisfied with business as usual in Olympia. As a libertarian, I stand for maximum freedom and maximum responsibility. Vote for me if you believe in these values.

The campaign was pretty low key during the month of August and the first part of September. I made arrangements to speak at whatever local get-togethers that would listen to me.

Neither one of us really knew what to do. One day during mid-September, it occurred to both of us that I should have some yard signs. We needed a way to generate name recognition and let the voters know that I was truly in the race. I had Jennifer call

some printers to see what we could do. Jennifer reported later that day that we had enough funds to buy about 1,500 posters with wooden stakes. If we made the order now, they would be ready by the first week in October, which would give us time to install them throughout the county prior to the election. I authorized the purchase.

Despite the pressures of the campaign, I still managed to have some free time. On a Friday afternoon in the latter part of September, Mark and I played golf with Rob and Paul. We had our standard game at a local course that was open to the public. The course was built in the 1920's and being within a mile of the ocean, the course had the natural terrain and characteristics of a Scottish inland course. It had never been remodeled and had a lot of old world, weather-beaten charm. The pro shop, restaurant and bar were in an old house. The course had been owned and operated by the same family since World War II.

Mark and I decided to try out some of our political concepts on Rob and Paul. On the second tee, while we were waiting for the foursome ahead to move out of the way, I asked Paul, "So Paul, are you going to vote for me?"

"Why should I?"

"Because I just made an eight foot side hill putt on the last hole to bale your skinny ass out of your double bogey," I responded. "No, seriously. You should vote for me because I will not vote for any tax increases and I will vote for any measure that scales back government activities except for essential functions."

"What are essential functions?" He asked.

"Police protection, courts, prisons," I responded.

"But don't you Libertarians believe in anarchy, guns, drugs and all sorts of crazy stuff?"

"Don't forget hookers," Mark chimed in.

"Paul, I believe in the rule of law and, therefore, I am not an anarchist. I think it should be legal to own and use guns and drugs even though I don't use them myself. Don't let the guns and drugs issues sidetrack you from the basic premise, which is that government must stick to the basics and that taxes must be minimal."

"Tell him about the hookers," Mark added.

"Yes, we are all for hookers."

Paul stated, "I got robbed by a hooker when I was in the military. It was a very unsatisfactory experience."

"We promise a much better experience once it is legalized," Mark responded.

Paul and Rob frankly did not enjoy talking about politics. It was similar to religion. Everyone had their own beliefs and they were happy by just keeping them private. Usually our on-course discussions consisted mainly about sex (or lack of it), women, women's body parts, golf, football, basketball and baseball. And of course, anything of an insulting nature was always permitted.

Paul looked very annoyed and stated that we were ruining his round of golf. Bob agreed and upon the threat of banishment, Rob and Paul made Mark and I agree to never bring politics up again during a golf match.

Standing on the 18th tee, Paul and I were one up in the best ball match and even in the aggregate game. I hit a good drive up the middle and everyone else was in the rough. Mark, Paul and Rob had pitched out and were various distances from the green. The 18th hole was a tough, slightly uphill par four. I pulled out a four iron and studied the shot.

Rob, who had a side business of selling used cars in addition to his car repair business, was an unusually smooth talker and he was cunning. Before we met, I once had

a couple come into my office telling me that Rob had sat them down in his office so they could discuss among themselves a prospective automobile purchase. Rob left the intercom on and walked out to his receptionist's desk so he could listen in. The only problem was that the couple's son, who had remained outside looking around, saw what Rob was doing. After they bought the car, the son had described what he had seen and they came in to see me complaining that Rob had defrauded them. They liked the car but felt that they paid too much for it - \$250.00 too much. I went in to see Rob and extracted his promise to refund \$250.00 to the couple upon the threat of filing suit. The \$250.00 was refunded along with Rob's promise that he would never do that again. I think Rob was impressed with the fact that I had remained calm during the process and did not try to milk it for more than it was worth. After that, he started asking for my advice. I explained to him that I would not represent him unless he cleaned up his act. He agreed and I gave him the benefit of the doubt and started doing bits and pieces of legal work for him. It took a while, but Rob did improve his practices and his business improved. On the golf course, however, he reverted to his old ways and was completely unscrupulous.

As I addressed the ball, Rob stated, "I hear Cindy was down at the Kingfisher Café yesterday."

I looked up and started to re-address the ball.

"Word is that she is looking for a little excitement," Rob added. "I guess you just aren't doing it for her."

I responded, "she was down at the café dropping something off for me. I represent Jim, the owner, remember? As for looking for excitement, I am going to have to install double pain windows and extra wall insulation so that her moans from the bedroom do not wake up the neighbors."

I started to address the ball again.

"What does she see in you anyway?" Rob asked.

Mark chimed in "No one knows. She is always flirting with me."

"Do you guys mind if I hit the ball?" I stated.

"Go right ahead," Rob stated. "I just thought you should know."

It is not smart to make a lawyer mad. I am pretty easy going, but when I get mad, my adrenaline gets going and I get motivated. At that point, I tuned out the chatter and thought about nailing this shot. The ball was lying perfectly. There was a slight wind at my back. The pin was in the middle of the green one hundred and eight four yards away. I had developed a pre-shot routine as a defense against the heckling. Also, being married and having three kids had allowed me to develop some pretty impressive tune-out skills. I could look someone straight in the eye, often my wife or secretary, nod my head understandingly and not hear a word. Mark and Rob continued to chatter, so I tuned them out and started my pre-shot routine.

I thought to myself, "pick a point in front of the ball as the target. Set the blade so it is facing the target. Turn it back, ..." Wham!! I made solid contact and the ball was going right at the flag. It landed five feet behind the flag and came to an immediate stop.

"Take that you dirty bastards," I retorted.

Mark got up to his ball next. He was one hundred and ten yards from the hole. He needed to get down in two and still had to hope that I missed my putt.

He pulled out a nine iron and as he waggled the club, Paul interrupted.

"Who dressed you this morning?"

Mark was wearing brown and white two-tone shoes, yellow socks, plaid golf pants, a pink golf shirt and a blue cardigan sweater.

Mark smiled and before I had a chance to say anything, he punched it about 12 feet from the hole.

“You didn’t waste any time with that one. Kind of like your last girlfriend,” I said.

Paul remarked that Mark was probably that fast in bed also. That was not a compliment.

Mark just smiled.

Paul, my partner, was next. He was about one hundred yards from the green and also pulled out a nine iron. He took a fast jerky swing and sculled it over the green. Rob was last. He was about seventy yards away and pulled out a sand wedge. As he was getting ready to hit, I said,

“Your new receptionist is sure cute. What does your wife think about her?”

“Ah, she doesn’t mind. The new gal brings in business. Sales have been up since she started.”

“Word is that she wears thong underwear,” I said.

Mark’s ears perked up.

Paul said, “I heard that she doesn’t wear any panties at all.”

Rob tried to ignore the chatter, but he didn’t quite have my tune-out skills. He was still thinking about his receptionist’s underwear as he rushed his backswing and caught the ball thin, sending it to the back of the green about 40 feet away.

Paul was next with his third shot and he chipped to about fifteen feet way. Rob and Paul both two putted, so now all of the pressure was on Mark. He had a difficult side hill 12 footer. He needed to make it in order to have a chance at tying me. Mark and Rob had lost the best ball but still had a shot at the aggregate game.

As Mark began to line up his putt, Paul mentioned to me, just loud enough so that everyone could hear, that there was a new shop in town where women could get manicures, pedicures and bikini waxes.

As Mark addressed his putt, Paul said, again just loud enough for everyone to hear,

“John, do you know what a bikini wax is?”

Mark tried to pretend that he didn’t hear. He took a practice stroke and set the putter head behind the ball. He was carefully lining up the put when I responded,

“Yeah,” I replied. “Cindy told me about that.”

“I hear that some of those gals have it all taken off,” Paul whispered, just loudly enough for everyone to hear while Mark was hovering over his shot.

It was just too much for Mark. He unraveled during his backswing. His follow through scuffed the ground about three inches behind the ball and put a small divot in the green. The ball squirted right and went about five feet, leaving him about five feet remaining.

“Now that was just plain unfair!” Mark exclaimed. “I have never heard of anything so low in my whole life. Just as I was trying to putt! I get a do-over.”

In a very diplomatic and condescending tone, Paul stated, “Life is full of terrible misery and injustice my friend. My son informs me that do-overs are allowed in two and

four square, but there are no do-overs in golf. Besides, John is going to knock his putt in and this will all be moot.”

I got up and promptly knocked in my putt for a birdie three.

“You peckerhead,” Mark responded.

Paul and I won the best ball two up and the aggie one up. As usual, we played dollar units (\$1.00 for each nine and \$2.00 for the eighteen), which translated into \$4.00 for each game, making Paul and I each \$8.00 richer. The winner always bought the beer at the end of the round so the net gain to winner was usually wiped out. Sometimes it actually paid not to win. The sweet satisfaction of prevailing made it all worthwhile, however. We went into the bar for a beer.

After the first sip, Paul said, “John, you almost ruined a nice day today.”

“How so.”

“You started talking politics. Please do not ever do that again.”

Mark and I had to agree several more times to never bring up political issues again.

I asked Paul to leave my wife out of the rude comments, but he refused.

Mark then demanded a \$50 campaign contribution from each of them.

Football season was in full swing by now and Hank and Oscar were thoroughly immersed in the sport. It was always good when the season started because those little guys needed some activity. It is really remarkable that the human race has survived given the inherent laziness of little kids. I kept telling myself that little kids grow up, and somehow or another, they figure out that life is more than just sitting in front of a television set and playing games. Hank and Oscar would be perfectly content to sit in front of a television set all day if we let them. At least Natalie showed some signs of life during the summer. She got bored watching television and was constantly lining up play dates and overnights.

Natalie was always having her girl friends over to the house. Hank and Oscar sometimes played some sports or games with the girls, but they would not admit to liking girls, which was actually easy to understand. The girls could be just horrible to the boys, although it was better now than it used to be. When the kids were younger, the girls would often try to draw them into an activity, and then when one or both were reeled in, they would be cut loose and thrown out like an undersized fish. I stayed out of it and figured that the boys were getting a good education in life.

School had started by now and Cindy was extremely pleased to no longer have the kids underfoot. We pledged to each other that next summer we would put the kids to work. Now that the kids were back in school, life fell into more of a routine. I would usually pick up Hank and Oscar from football practice on the way home. We would all eat dinner together and then the homework would come out. The kitchen table would be cleared and the kids would pull out their assignments and do their work. Some evenings were smoother than others. If Hank had to get up to sharpen a pencil, it meant walking behind Oscar, which meant a slap on the back of the head or similar transgression. I was there to keep the peace and answer questions. Cindy had been very good at conjuring up creative advertising material but was crumbly at math. I was the designated homework enforcer.

Bedtime was nine o'clock. When I called out for bedtime, that was usually a signal for Hank and Oscar to wrestle. They never seemed to tire of banging on each other. The football coach told me the other day that they were never allowed to face off against each other in a tackling drill because they were afraid someone was going to get hurt. The level of intensity that they exhibited against each other was about double what they showed against their other teammates.

Once I got Hank and Oscar settled down and into bed, I usually played a few games of gin and black jack with Natalie. She was turning into a pretty good cardplayer. Despite her advanced age, I was usually required to conclude the evening with a story. She usually got into bed by 10:00 pm and finally, our home would slow down and Cindy and I would have a chance to relax.

The next evening, I watched the last fifteen minutes of Hank and Oscar's practice. For little guys, they were tough. It was probably all the wrestling they did. The coaches had Oscar playing corner back on defense, which was a difficult position for a ten year old. He had to hold his position even if the flow of the play went the other way. In the rookie league, most of the plays are running plays and the coaches love to run off-tackle.

Reverses were especially dangerous because most ten year old defenders would follow the play to one side and then be caught off guard when the running back came around the other way. Oscar, who was called Ozzie by most everyone, was pretty good at following directions and he was absolutely fearless. I watched one play where he stood his ground at the corner and when the running back and his blocker swept around on a reverse to his side, he was right where he was supposed to, all alone. He dodged the blocker and stepped up to make the tackle and was nearly run over the running back, an eleven year old who outweighed him by about twenty pounds. Oscar went down with the wind knocked out of him. It was difficult, but I stayed on the sidelines and let the coaches take care of him. After about thirty seconds, he was on his feet getting high fives from the coaches and his teammates.

I never played organized football and I never watched much of it on television, but I sure enjoyed watching my kids play. Football reminded me of the practice of law. A football game consisted of hundreds of mini confrontations with the winner being the one that won most of those confrontations. The practice of law was similar in some ways. Each day consisted of several confrontations. Rarely, however, was the victor determined in just one or two confrontations. In fact, sometimes the confrontation process went on for months or years and ending with a settlement or a trial. Practicing law was just a long drawn out football game. Sometimes, it is a little difficult to discern a clear winner, but if you looked hard enough, it was usually there.

Politics was a bit like football also. Certainly, the election process produced winners and losers and provided many confrontations prior to the election. How you handled yourself during the confrontations would help determine the victor in the end. However, the role as a third party candidate was not necessarily to win. My main purpose in running was to have the voters send a message to the major parties that the business as usual had to change.

I felt strongly that the Democrats and Republicans were each trying to pitch too large a tent. The Democrats could not turn as far left as they wanted and the Republicans couldn't turn as far right, although "right" could mean anything from laissez-faire capitalism to fascism. Each had to position itself towards the middle to get a working majority. In Washington, the majority was razor thin. The result was that each party espoused a watered down mess of propositions and each had extremely mixed premises. A third party was needed to siphon off the voters who wanted lower taxes, less intrusion and more freedom. That would leave the other two parties to solicit their true believers and make for more honest politics.

I kept asking myself why I was running because I was having second thoughts, given the time and energy that I was devoting to this campaign. While I had made only minor cash contributions to the campaign, it was starting to impact my billable hours. I was starting to bring work home at nights to keep up. I justified the campaign in my own mind by the simple fact that I was doing something that I had never done before and was meeting many people that I would not otherwise have met. It was extremely important that I run a legitimate campaign and not come across as an extremist kook. I needed to make a living in this town for many years and it was necessary that I maintain the respect of my clients, potential clients, other counsel and the judges.

It was necessary that I treat my opposition in the political race in the same way. I was going to lose this race and it was going to be difficult to maintain respectability while espousing libertarian positions. There was no doubt that I was going to get painted as an extremist. I had the burden of showing that being a libertarian is not as far out on the fringe as most people think it is and that my positions were credible and workable. I would have to be logical and persuasive and I was going to take the high road in all confrontations. Campaigning was going to be like trying a very long jury trial.

I was about to learn that my opponents would have nothing of that strategy. They were poised to show everyone that I was a member of the lunatic fringe and that my ideas would lead to chaos and destruction.

Walking back to the car with the boys after practice one night, I asked them how practice went.

Oscar responded by saying, "Great! Did you see any of my tackles?"

"Yes I did. You were fabulous."

Hank was just as excited. He played on the offensive line, and for reasons that I did not completely understand, he really liked it. I think he liked the constant hitting and shoving.

"Dad, do libertarians take drugs and buy hookers?" He stated.

"Do you know what a hooker is?" I responded.

"Not really."

"Who said the libertarians take drugs and buy hookers?" I asked.

"Some older kids"

"Hank, someday we will talk about hookers. Right now, all you need to know is that the word hookers is a very insulting term for women who entertain men. Also, I do not take drugs except for medicine prescribed by a doctor. I do consider myself a libertarian. Libertarians do believe that people should be free to do anything except they

can't use force against other people or lie to achieve the same ends. While I do not hire women to entertain me, I believe men and women should be allowed to do that. I also believe that people should be able to take drugs without having to go to jail even if those drugs have not been prescribed by a doctor. I do not think that drug use is a good thing. I hope that you guys and your sister never take drugs."

"What I would like you to understand is that I am running for a public office which involves writing laws. I believe that our laws should allow the maximum amount of freedom. I believe that people should only go to jail if they intentionally injure someone else."

"But they tell us at school not to take drugs. Shouldn't they be illegal?" He asked.

"You should not take drugs," I responded. "They are bad for you. But I don't think that people who take drugs should go to jail."

I wasn't sure whether that satisfied him or not. The rest of our conversation on the way home was about school and football. I asked them both if they had any girl friends and they almost wretched.

By the time we got home, dinner was almost ready. Cindy had baked a meatloaf with corn on the cob grown at a local farm. Natalie was upstairs working on her homework.

We all sat down to dinner. This was one of my favorite times because I got to quiz everyone what he or she did during the day. No one hardly ever asks what I did during the day, however. Even Cindy has a hard time understanding what happens inside a law office. Most people seemed to think that by putting your name on a sign clients just simply appeared, they presented an endless series of interesting, neat, tidy and easily solvable problems and they magically paid their bills in whatever amounts the attorney arbitrarily bills them. The opposite was in fact true. Honest and hard working clients who pay their bills and who engage in interesting transactions just do not walk in the door. They have to be cultivated and even then, most of them try their hardest to not call. The lawyer must add value to everything that he or she works on and produce positive results. To cap it all off, in the end, the cost of the service cannot exceed the value added. There were times when I tried to explain how difficult it was to generate value day after day for clients when the only thing I could give them was some advice, but I never felt that I adequately conveyed the message. I felt very fortunate to have a successful law practice, but I think it takes another lawyer to appreciate how difficult that is to create and sustain.

Cindy had been with a highly successful advertising firm when we met. My firm was on the 30th floor of the Western Bank Building in downtown Seattle and her firm was on the 45th and 46th floors. I had noticed her in the building but had never met her. One year, I did some legal work for one of the owners of her firm. Her office was next to my client's and I used to smile at her when we passed in the hall. At one point, we were introduced and my blood pressure must have shot up by fifty points. She was attractive, smart and I got the feeling that she could see right through anything that was not totally sincere. I was certain that every guy in our building had his eye on her.

During the course of my legal engagement, I was invited upstairs to the company's office Christmas party. When I saw her at the party, my heart went aflutter. I made a point of talking to her and at the end of the party, when others were getting a little drunk and disorderly, I offered her a ride home. Her car was in the building garage so she declined. But she did let me walk her down to her car. I asked if I could call her sometime and she agreed. I called her at 8:15 a.m. the next day and made a dinner date.

She was creative and the clients that she worked with were large commercial enterprises. Unlike me, she never had to worry about filling out time sheets and meeting a quota of billable hours. Like me, she had to produce a positive result for her clients. Her job was to produce creative ideas that helped sell products and services. She knew that she had to be better than her competition or she would lose the client. She was results-oriented and businesslike. When we first started to date, she grilled me like a skilled trial attorney. For whatever reason, she continued to accept my calls.

It appeared to me that she and her co-workers were a lot looser and outgoing than the people I worked with and against. While Cindy was businesslike and direct, she and her co-workers looked like they were enjoying themselves way too much to be making a living. She knew how to deliver a product and have a good time.

Despite her exceptional appearance, she was down to earth and had a great sense of humor. She had grown up on a farm in the northeast part of the State called the Okanogan. She had attended Washington State University, which was located in the agricultural, eastern part of the State. This had made her an immediate adversary (because I had attended the University of Washington), but we were able to overcome that. She certainly didn't look like the typical WSU farm girls that I used to hear so much about.

We were married in June of the next year. I didn't believe in wasting time when you saw a good thing and for reasons that she will still not explain, she agreed to the deal. Our wedding was a bit contentious with both UW and WSU alumni present. It didn't help that after we exchanged vows and kissed, the small chamber group that we had to play broke out with the Husky fight song.

It got worse when Mark Dilbert, my best man, was proposing a toast. He announced, "to all of you WSU alums, that bubbly stuff in the glass that you are holding is champagne. It is made from grapes, not barley, and should be consumed slowly. And

despite your many requests, I am afraid to say that we won't be having any square dancing tonight.”

With that, several balled up napkins went flying at Mark's head and I grabbed the microphone from Mark before he said something really stupid. That had been one heck of a party. I had to threaten to close the bar several times during the course of the evening. I had to dig into my savings account to pay the bar bill.

We both continued to work and live in Seattle after we were married. We bought a home on the southwest slope of Queen Anne Hill which overlooked downtown Seattle and Elliott Bay and spent a great deal of time and money remodeling it. We traveled a lot during those early years. But, after a few years of living the easy life, Cindy wanted children so Natalie came along. With the help of a very good and loyal nanny, Cindy worked from home for a while and went into the office only for meetings. A couple of years later, Hank and Oscar were born.

I will never forget going to the first ultrasound appointment with her during her second pregnancy. Neither Cindy nor her doctor had any idea that she was carrying twins. She was getting rather plump and after about 5 months, the ultrasound was scheduled. We were sitting in the waiting room and by chance, Cindy was reading an article about twins. After we were called in, the technician was taking an unusually long period of time and appeared to be concentrating very hard. She said, “I think there may be more than one baby in there. Will you wait for a moment while I get the doctor?” We were both stunned.

The doctor came in and after some hemming and hawing concluded that there were indeed two little critters inside. I started laughing uncontrollably and Cindy was in shock. Neither one of us had a history of twins in the family.

The pregnancy was a bit of an ordeal and Cindy took a leave of absence from work in the sixth month. She never did go back to work and formally resigned after the births.

I worked like a dog during those years. It was necessary for me to increase my income because our expenses were going up with kids and we were down to one income. We had three kids in diapers for what seemed like forever. No matter how hard I worked during the day, when I got home at night, the workload got heavier. Natalie was a very active two year old, who, along with her two infant brothers kept Cindy and me very busy. Those years are sort of fuzzy now. Neither one of us can figure out how we survived.

After the boys were born, Cindy began yearning for a simpler life. She was at heart a small town girl and was beginning to tire of Seattle.

During one of our vacations before the kids were born, I took her to Southport where we stayed with Mark Dilbert, who was the town dentist, and his wife for a weekend. We had a wonderful time and fell in love with the town. Southport seemed to have the best elements of a small town. It was close to the ocean and was surrounded by dense beautiful forests. Southport had a nice, small downtown with a movie theatre and a few cafes. The people were friendly and the schools were very good.

After over ten years of slogging away in a downtown law firm, I wanted less pressure, more free time and less litigation. I was getting way too involved in my cases and I wanted to take a step back. I had also become somewhat jaded about the economic

aspects of the practice of law. I came to the realization that I was not going to get rich practicing law and figured that I better start to enjoy life while I still could.

So, after extensive study and debate, Cindy and I decided to move to Southport with our three small kids and a substantial nest egg. We wanted to slow down, live like normal folks and stop worrying about bills and keeping up with the Joneses.

Cindy and I bought a very nice home in Southport that was very modest for Seattle standards. We were all set to slow down the pace of our lives and raise our kids in very nice community. I was in my early forties when we moved and I still enjoyed practicing law. My plan was to maintain some existing client relationships and establish a local legal practice doing primarily business work.

The plan had worked out beyond my expectations. Cindy and I had met many new friends who we truly enjoyed, the kids got along well, my practice was thriving and the slower pace of life suited us well.

My first debate was scheduled for the first week of October on a Thursday night. The debate was sponsored by the Southport Weekly and would be held in the gym of the local YMCA. Third parties were not normally invited to the debates, but due to constant pestering by Mark, I was included. Mark and I worked all week on my presentation. Cindy did the final critique, which was painful yet valuable. Given her advertising background, she was very good at boiling a message down to its essence. She didn't like ambiguities and she did not bother with any niceties in making her suggestions. She reminded me of a few judges that I ran into during my younger days. One time, after making what I thought was a brilliant opening argument on a motion before a crusty old judge in the King County Superior Court, he simply said, "Mr. Austin, would you now like to address the issue at hand?"

We decided to maintain a simple consistent theme and to leave theoretical discussion for another time. The week went by quickly.

When I first decided to run for office, I did not have much of a plan about how to go about it. Now that I was actually doing it, my lawyer training and competitive instincts were cutting in. My instincts were telling me not to take this lightly and to give it a serious shot. If I treated the race half-heartedly, it would reflect badly on me and could damage my practice.

In preparing for the upcoming debate, my plan was to focus on issues pertinent to the State Legislature. Specifically, I would argue that I would vote to limit the size of State government and reduce taxes. Republicans had been making those promises for years but, in my view, had lost all credibility on the subject.

The Republican Party in the State of Washington was a mass of contradictions. On one hand, Republicans espoused limited government, but they didn't really mean it. They took soft and compromised positions on the social safety net issues and had no problem in using government tax revenues to support pro-business programs including the recent State-backed financing and construction of nearly one billion worth of sports stadiums in downtown Seattle. The party had appeared to abandon any appreciation for the constitutional requirements of free speech and for the separation between church and State.

In preparing for the upcoming debate, one of my primary goals was to answer questions directly. I was so tired of listening to candidates ignore a question and simply hammer home their points. These days, those points always seemed to be about vision and leadership. I wanted to answer the question. I also wanted to identify the principal at issue, state my position, and then cite relevant facts. I was not going to sugarcoat my position. If the listener didn't like my answer, so be it. The goal was to provide clarity.

I had never participated in a formal political debate before. I frankly did not even enjoy having political discussions, except with Mark, so this was not going to come naturally. The debate moderator had published the ground rules that would provide some structure for the evening. There would be three participants. Each would be given the opportunity to make a two minute opening statement. Then the moderator would pose a question, drawn from a hat, to one candidate. The candidate would answer and then the other two would rebut. The questions would then rotate among the candidates. The

debate would start at 7:30 pm and conclude at 9:30 pm. Each candidate would be given two minutes for a closing statement.

Cindy, Mark and I conducted several mock debates during the week before the actual event. If I answered ambiguously, Mark or Cindy would raise their hand and identify my ambiguous statement. It was a very good exercise and both Mark and Cindy took delight in needling me if I was not clear.

While Mark and Cindy critiqued me during our mock debate sessions, I took special note of Cindy's comments. Mark had an IQ that was out of sight and he was extremely doctrinaire. I could usually anticipate Mark's response to a question. Cindy, on the other hand, had always been politically independent. She was tough to label. She would only vote for a Republican if he or she were pro-choice. She voted for Democrats who promised fiscal responsibility and no new taxes. She believed in a women's right to choose to terminate a pregnancy and wanted the State to provide good schools and compensate its teachers reasonably. She was livid at the rates of tax that we paid and she distrusted what politicians did with our tax money. She understood that the State brought in incomprehensible amounts of money but she couldn't figure out where it all went. She grew up in a poor family that did not waste one scrap of food. She had compassion for poor people but felt that handouts provided by the State lead to dependence. At work, she saw that teachers and school administrators had to live with tight budgets and put in loads of uncompensated hours to ensure that our children got a good education. She was troubled that more of our tax dollars did not find their way down to the classroom level.

Cindy was also becoming increasingly frugal. After years of spending freely, particularly when both of us were making good money while living in Seattle, she had learned to conserve. It started when our income was reduced after the birth of Natalie and kicked in to high gear when the boys were born. She realized that we had no financial angels overseeing us.

Cindy did not work while the kids were young and only started working for the school district when Oscar and Hank started school. As the economy slowed down, the income from our investments, particularly interest income from bonds, also declined. We monitored our financial situation constantly and adjusted our expenses to our income. For someone who used to think nothing about blowing \$150 on a pair of shoes that she would likely only wear once or twice, Cindy was now a value shopper. Accordingly, she was tough to please as a voter. She was willing to pay some taxes but wanted value for her money. She tolerated politicians except when they were telling her what was best for her and her family.

Cindy was definitely the type of voter that I would try to appeal to.

At dinner on Thursday evening, I was having second thoughts about this candidacy. Even though I had spent the last twenty years of my life in courtrooms and in public hearings and had no fear of making public presentations, I was afraid that I would fail to communicate my positions clearly. I also worried that the audience would simply dismiss me without hearing what I had to say.

At a little after 7:00 pm, we all hopped in the car together and drove over to the YMCA. Natalie would be able to sit still and listen, but I was concerned about the boys. I could just see it now. After being asked a question, I would have to excuse myself to stop Hank and Oscar from wrestling in an aisle. Neither one of them was very good at sitting still. They weren't happy unless they had a ball in their hands or were punching

something. Cindy wanted the boys to see me in front of an audience and she convinced me to bring them along. She did concede to allowing each one to bring a small nerfball. It turned out that my kids would soon become subjects of the debate.

When we arrived, people were already filing in to the YMCA gym. The gym sat about 400 people and it appeared to me like it was going to fill up. We saw Mark and Melissa and they came over to sit with Cindy and the kids. I went up to one of the three podiums and shook hands with the other candidates. I also shook hands with Cheri Baker of the Southport Weekly.

Cheri was a part-time reporter for the paper. She did bookkeeping work for a couple of local businesses and we had met on a few occasions. She was pretty and smart. At 7:30 pm, the gym was full with many people standing in the back and around the sides of the gym. Several news cameras had set up in the back and newspaper reporters from Aberdeen and surrounding cities were there with their tape recorders and note pads.

Cheri made the introductions and briefly reviewed the ground rules. She stated that based on a prior coin flip, the Democratic candidate, Dave Barnstrom would first with an introductory statement followed by Henry Dilson, the Republican candidate, and then me.

Dave started. "I have been a resident of Southport for 34 years. I have served on the city council and school board. I own the gas station located at the junction of Highway 1 and Windstrom road. I support increased pay for teachers. I support clean water and clean air. I support preserving our natural resources."

"I believe that the State should protect our environmentally sensitive areas. The minimum wage should be increased so that every person can make a living wage which is capable of supporting a family. I think everyone is entitled to a job that pays a living wage. In these times of rising unemployment, the State should provide job training to those that have been laid off from their jobs. The State should extend unemployment benefits so that the unemployed will not suffer undue hardship. This State needs better roads to remain competitive and create jobs. I support increased gas taxes to fund the construction. I will work to see that Pacific County gets its fair share of the tax dollars."

"Our State has one of the most regressive tax systems in the Country. The State taxes the value of our property, it charges us sales tax on our purchases and taxes our businesses with a separate tax. It doesn't matter if a business runs at a loss. The tax is still due. I think the whole system should be scrapped and replaced with a State income tax with a progressive rate structure – the more you make, the higher the rate of tax and the more you pay. It is only fair that our more wealthy citizens pay their fair share."

"Finally, I support universal health care. The State should step in and become the sole purchaser of all medical services in the State. Every resident should be entitled to participate in the system. Children should come first, and after all, this is all about the kids. Greedy insurance companies would be put out of business. Doctors' fees could be controlled to ensure the affordability of their services. No one should go wanting for lack of medical care. Please vote for me on November 5th."

"Mr. Dilson, you may proceed," Cheri stated.

"I am Henry Dilson. I have been a resident of Southport for 42 years. I have been farming cranberries all of my life. My father before me was one of the original residents of this community. Farming cranberries is a hard life. I've had good years and

bad, and God willing, I will pass my farm onto my sons so they can carry on. Hopefully, they will pass the farm to their children.”

“Our State is making it increasingly hard for me to make a living. The Department of Ecology is demanding that I reduce withdrawals of water from the creek that runs through my farm. The creek looks fine to me and salmon run this year was pretty good. Apparently, the Department thinks that water for fish is more important than water for people. Cranberry prices have been down for several years, yet the State Department of Revenue keeps collecting its taxes even though I have been running some losses. I have been audited three times in the last ten years and each time the State takes a tougher position. I don’t know how much more I can stand.”

“The State needs to support family farms. The State lures new industries into the area with tax breaks and subsidies but does nothing for me and the other farmers. Family farms need the support of the State to survive. If you elect me, I will represent your interests and the interests of farmers in our district. I will also do my best to attract new industry to the area. If that means the State has to offer incentives to get new businesses to relocate here, so be it. That is the way the game is played these days. Vote for me and I will restore prosperity to Southport.”

“Finally, I am dismayed at the disrespect for almighty God that appears in all levels of government. Through the help of my wife, I have been reborn and I am proud to witness my beliefs before all of you tonight. I believe that our schools should support the religious activities of our children. To deny them that right is to deny them their freedom of speech. Thank you and God bless.”

“Mr. Austin,” Cheri stated, “you may proceed.”

“Good evening ladies and gentlemen. I know a lot of you but for those of you who do not know me, my wife Cindy and I moved to Southport about eight years ago. I have three children; my daughter who attends Southport Middle School and two sons who attend Southport Elementary. I practice law in Southport. I go to court, write contracts and wills and provide legal counsel to individuals and businesses, many of whom are located in and around Southport.”

“Given the increasing encroachment of the laws into our day to day activities, it can be difficult to counsel clients as to how to follow the law. The law is no longer a simple projection of our values. It has been taken over by the governmental agencies and special interests. I have seen this system operate first hand for approximately twenty years and I want to change it. I am running as a libertarian because I do not believe that a Republican or Democrat can accomplish the changes that are needed. Those parties created the problem and they are now supported by the various constituencies which feed off of the system.”

“I am guessing that many of you do not know what libertarians stand for. There are all kinds of libertarians. I can only speak for myself. I believe that government should provide us with police protection, a court system to deal with criminals and to provide a forum for private citizens to resolve their disputes without violence, and prisons to incarcerate the criminals. What about parks and schools and all of the other things that the State does? The answer is that if given the chance, I would likely vote for a private way to provide those services.”

“In the meanwhile, I will do whatever is necessary to make all those various services be as cost effective as possible because the bottom line for me is that taxes are

too high. Everyday, our businesses have to find ways to be more efficient. Technology is changing and it provides a means for every business to lower its costs. Ten years ago, I used to dictate into a fancy tape recorder and my secretary, with headphones on, would type what I was saying onto a piece of paper. When she was finished typing, she would give me a draft. I would mark it up and return it to her. Sometimes we would go through that process several times before a final document could be produced. Now, I type the document onto a computer disk. I edit it on the screen before me. Sometimes I bypass the whole process and just send an email. Preparing documents, sending them out and filing them have been streamlined. Lawyers operate with a fraction of the overhead that they used to. That same system needs to be applied to government. Government doesn't produce anything. It does generate lots of paper. Why can't government get more streamlined too? The answer is that it does not operate under the same kind of pressures that apply to private industry. Well, I think it should. If I am elected, I will do my best to apply the same pressures that you and I deal with every day to the State government."

Cheri then stated, "Our first question is for Mr. Austin. What role should the State play with regard to reducing the costs of health care?"

I responded, "My family has been seeing Dr. James Dawson since we moved into town. I think he does a fine job. My sense is that his fees are fair. The reason I am not sure is because my health insurance company pays all of the bills after we pay a small co-payment. I dislike having an insurance company come between my family, our doctor and me on every single health issue. I think that I should be able to obtain insurance to cover the costs of major items, such as surgeries, cancer treatment, accidents and the like. I have been looking for a medical policy to insure only major health problems for several years but I can't find one. I would like to negotiate with, and deal directly with my doctor for the routine services. For services not covered by insurance, such as my optician, dentist and podiatrist, that is exactly what I do. Believe me, I pay more attention to my dentist bills than I do for the bills covered by insurance."

"Medical insurance companies have been leaving our state in droves. Our State insurance commissioner has loaded so many coverage requirements onto the policies and has made it so tough on these companies that they are willing to forego our business altogether rather than dealing with the regulations. Why can't I go onto the Internet and shop for major medical insurance? There should be thousands of choices available to my family and me. Why can't I pick and choose the coverage that I want and then dicker with the doctors over the scope of the other services and their cost? Why are doctors retiring early? Why are so few doctors entering private practice these days? The answer is that the State is getting in the way of the doctor-patient relationship and is interfering with the supply and demand for their services. The federal government contributes to the problem as well, but since this debate deals with a State office, I will leave those comments to another day. If elected, I would vote for less regulation and more choice.

"Mr. Barnstrom, would you like to comment?" Cheri inquired.

"As I stated earlier, I believe in a state run, single payer system. Doctors charge too much and the average guy and gal simply have no power to negotiate effectively for medical services. The State must do it for them. Mr. Austin has just shown how antiquated his position is. He longs for the day when no one had the right to medical care and only the wealthy received good care. He longs for the day when a person who couldn't afford the service, couldn't get it. It is a fantasy based on his belief that the free

market provides all that is needed. Those days are gone. Our society has adopted a different view of justice. His position should be recognized for what it is – dog eat dog and only the strong survive.”

“Mr. Dilson,” Cheri stated.

“I am somewhat in the middle of the positions stated by my opponents. Mr. Barnstrom goes too far by having the State step in to represent each and every one of us before our doctors. I trust my doctor. I do not feel it is necessary to have the State place itself between the doctor and patient. On the other hand, I feel that Mr. Austin’s fringe position is dangerous and backwards. It ignores that compassion that we all feel for the destitute. The government must provide for the poor because who else will? Secondly, we must do something about the large malpractice verdicts that are forcing our doctors to take unnecessary tests. I would support a law which limits the size of medical malpractice verdicts.”

“Mr. Austin, you have one minute for rebuttal,” Cheri noted.

“My opponents have not mentioned reforming the insurance commissioner’s office to allow for greater insurance choices. Mr. Barnstrom desires to socialize the entire medical system. Welcome to Canada! Why is it that so many Canadians come down to Washington State for treatment? There is not an unlimited supply of health care – capable doctors and nurses don’t grow on trees, especially in Canada. What if you want treatment and the Canadian government says the treatment is not available at this time or flatly refuses on the basis that you don’t qualify? The answer is that you come to Washington where the service is available for a fee. Canada rations health care based on government regulations and policies. Is that what you want? Do you want to have to consult a lawyer to find out what your rights are after the government refuses your request for treatment? Ever appealed a government decision? Good luck!”

I continued, “Mr. Dilson criticizes me for promoting a dangerous and backwards system. Is a system which allows you to deal directly with your doctor to determine what services you need and can afford unjust? With respect to Mr. Dilson’s comments about State assistance for indigents, I doubt whether assistance for indigents would alone contribute to the health care problems that we have today. Since he has raised the issue, however, I will address it. Let me cite an example. Seniors consumes an inordinate amount of health care. They see doctors several times a week and take expensive pills throughout the day. They have government financed heart bypass surgery, hip replacements and an unending list of operations. Do you know what they pay for their medical care? The answer is almost nothing. The cost of one heart bypass surgery has probably exceeded the total contribution paid by one senior over his or her entire working life to the Social Security and Medicare system. How’s that for sound finances? The federal government has totally intervened in the medical care for seniors, even wealthy seniors. Medicare effectively provides the insurance coverage, dictates the level of service and controls the fees. It sounds a lot like Mr. Barnstrom’s utopian system. The results have been disastrous. Doctors are now routinely refusing to take Medicare patients, costs continue to skyrocket and no one is happy with the system. The Medicare system has a negative net worth in the billions of dollars and is a time bomb waiting to explode when my generation starts to retire and receive benefits. The answer to our medical services problems is not more government programs. We have charitable

institutions and the private system itself to provide indigent care. If given the opportunity, I would vote to disengage the government from the health care system.”

This wasn't going too badly I thought. No personal attacks. No cries of quackery and incompetence.

Cheri cut in at this point. “Now for our second question. The State is facing a budget shortfall of approximately two billion dollars over the next two year budget cycle. What would each of you do to solve this situation? Mr. Dilson, you shall have the first opportunity to answer, followed by Mr. Barnstrom and then Mr. Austin.”

Henry Dilson cleared his throat and stated, “We need to have a performance audit of every agency of the State. It is time that they start performing the services that they were designed to do. Due to our transportation problems, it may be necessary to raise our gas tax. Our State will not remain competitive unless we can move people and goods across our highways. Our gas tax has not kept pace with inflation; it is simply a pragmatic reality that the tax needs to be increased. This State needs leadership to get us out of this hole and we must be unified in our efforts. The Republican Party is the party to rally behind. The Democrats have had their day and are the cause of our financial problems. For years, the State has been spending money like a drunken sailor. The Democrats have been in control and they have no intention of stopping. You simply must vote for me to get spending under control. I will provide the necessary leadership to make that happen.”

Mr. Dilson continued, “and let me say this about our libertarian friend. Would you really vote for any one that espouses the decriminalization of harmful drugs, of inviting our young people to partake in the sinful activities of this world such as prostitution and the use of drugs? I pray for his young daughter and sons and hope that they receive some guidance so they do no ruin their lives in those pursuits. Think of the demands upon the State if our young people had free and easy access to harmful drugs. Our budget problems now would pale by comparison. Please pray with me that no libertarian will ever hold office in the State of Washington.”

Cheri interrupted at this point and invited Mr. Barnstrom to respond.

“Our State is running on a shoe string as it is. I hate to say this, but I must be honest. There is no way that our State can continue to provide a social safety net for those in need unless taxes are raised. I have supported a State income tax for years so that the wealthy business owners, doctors, lawyers and stock brokers, among others, pay their fair share of the burdens imposed by the State. I recognize that a State income tax is not popular among all of you out there and would be unlikely to pass in the near future. That means that small increases in the State sales tax or business and occupation tax may be necessary as an interim measure. Secondly, I want to warn you about my opponents. The Republicans are the party of big business. I stand up for the little guy – people like you and me. Given the fact that the Democrats have only a one vote lead in the Senate, it is critically important that a Republican not be elected. If that were to happen, it is inevitable that big business will be exempted from whatever revenue measures that are imposed to balance the budget. Do you want big business to skate by for free? You and me are small town folk. We aren't rich. Why should we let the rich fat cats pick our pockets? Vote for me and I won't let that happen!”

“Now, as for Mr. Austin. Who can really take him seriously? Libertarians hate government and all that government stands for. Do you want to see all of our State

institutions dismantled? He does. He is a wealthy lawyer from the big city with different ideas than you and me. After this election, we will let him go along his merry little way living in his own private fairy tale. Bye now, Mr. Austin.”

I started getting a little warm. The gloves were coming off. Mark and I knew this might happen and we had prepared for it.

Cheri indicated that it was my turn.

“Ladies and gentlemen, the answer to the question is that government expenditures must be brought in line with the revenues. Tax revenues have fallen. The State government must adjust. Taxes cannot be raised. It is tough enough for the average family to make ends meet without having tax increases. Neither of my opponents has any desire to reduce the size and power of the State. Each has different constituencies to satisfy which feed off of the State. The State has turned into a monster that feeds off of every one of us so it in turn can support the parasites that thrive on its handouts. I am running as a libertarian because I can’t stomach serving any constituency except the individual citizen. There are no special interests supporting me because if I am elected, I won’t be giving out handouts. When I say that I will vote to reduce the budget, I mean it. My opponents have just told you in a remarkably candid way that they will not cut the budget. They have interests to serve! They can’t cut off the hands that feed them. If that budget is not cut, the difference will come out of your pockets. Your hard earned money will be collected by the government and remitted, less a significant handling fee, to their constituencies. Think about it. Is that what you really want?”

“Now I acknowledge that libertarians are not as common as Republicans and Democrats and voting for a libertarian candidate may not be something you have done before. It would not surprise me to learn that I am the only libertarian candidate to ever run in Pacific County. I would like to challenge you, however, to do something different. If you want to run with the pack, vote for my opponents. But take look at yourself and ask yourself, why do I live here? We are all small town folk who wouldn’t live here if we did not enjoy an unregimented existence. We don’t pack into a bus or train to go to work. We don’t work for big companies who dictate our every move. We enjoy our freedom! We cherish our families, our homes and our way of life. If you dislike being told what is best for you and if you hanker for more independence and freedom, then I am your man.”

I had spent enough time before juries to know how important it was to win them over. So far, I had elected to stay off defense and remain on the offense. I hoped it was working.

Cheri then stated, “Mr. Dilson, you may comment.”

“I take terrible offense at Mr. Austin’s comments. He is attempting to make me and my Republican colleagues appear to be bought and paid for. Nothing could be further from the truth. I simply appreciate the necessity for developing a climate in which all businesses may prosper. You might be captivated by his promises of lowering taxes, but if you look closer, you will see that he promotes a lawless and Godless society in which only the strong would survive at the expense our children, our elderly and infirm.”

“Mr. Barnstrom, do you care to comment?” Cheri inquired.

“I certainly do. I feel as if I have stepped in a bucket of mud. Mr. Austin has discredited all that the Democratic Party has stood for and accomplished. He derides and

laughs at our goals. He stands for selfishness. He is trying to appeal to your basest instincts. He would be a powerless pawn in Olympia. He will not represent your interests. He will simply give them all away and get nothing for you in return.”

I must have hit a soft spot. It was interesting that I had drawn those reactions. I thought that I would be ignored by my more established opponents. Perhaps they had really thin skin.

After a several more questions and exchanges, Cheri told the participants that she would now allow the audience to ask questions of the candidates. Each candidate would have the opportunity to answer followed by rebuttals from the two other candidates.

A young girl, who to be the age of a high school student, raised her hand and Cheri selected her for the first question.

“My question is for Mr. Austin. Mr. Austin, if libertarians believe in the legalization of drugs, will you let your daughter use drugs? If you really cared for her, wouldn’t you do all that is possible to stop her from using drugs?”

“I understand your question to refer to illegal drugs such as marijuana, cocaine, heroin and the like. I love my daughter dearly and hope that she will never use these drugs. She is eleven years old and my wife and I have counseled her and her younger brothers on the dangers of drugs. We think she understands the risks. However, this is a dangerous world and notwithstanding the fact that these drugs are illegal, they appear to be widely available. Prohibition during the 1930’s did not stop people from drinking alcohol and it certainly isn’t working with drugs either. Every parent and guardian must educate their children about the risks of drugs so that the children make the correct decision when they are faced with the choice of using them.”

“But what if your daughter makes the wrong choice. Wouldn’t it be best if drugs were illegal?” She responded.

“No. I hope that my daughter never chooses to use drugs. But if that day comes, then I hope that she has a safe and legal source to acquire them, such as a pharmacy. I would not want to see her go to jail for using drugs and I would not want to have her dealing in back alleys with illegal dealers who sell drugs of unknown content and cleanliness. Do not interpret this to mean that I support drugs. I do not. I am willing to take responsibility for my child and I do not expect the State to perform that role for me.”

“I have one final comment,” I continued. “Drug offenses are clogging the calendars of our courts and the convicted defendants are clogging our jails and prisons. The government’s so-called war on drugs is not working. It simply drives the activity underground where the normal rules of commerce do not apply. It generates enormous untaxed profits for those who thwart the system. It creates violence because peaceful and legal means are not available to those who deal in unlawful drugs to enforce their contracts. They can only result to violence to enforce their contracts. It costs the State millions to prosecute and incarcerate the participants, not to mention the lost taxes. The war on drugs empowers thugs who prey on the young and weak. It turns poor neighborhoods into free trade zones for illegal drugs. Legalizing drugs would free our police and court system to tackle the truly dangerous elements of our society and take the danger, excitement, sexiness and high profits out of the existing underground supply and distribution system. That is my position.”

“Mr. Dilson,” Cheri responded.

“I am simply flabbergasted. I cannot imagine a more depraved way of thinking. The State must represent our moral values and provide a compass for our youth. If the sound reasoning of the majority thinks something should be illegal, then it should be so! Our society will devolve into Sodom and Gomorrah if everyone is allowed to do what they want when they want. There must be limits and dare I say, I think our society has too many freedoms.”

“Mr. Barnstrom,” Cheri inquired.

“You heard it here first folks. Mr. Austin would like a safe and legal place for his daughter to buy drugs. If that isn’t the dumbest thing that I have ever heard. I think we should have automatic life imprisonment for all drug dealers. That would get rid of the problem!”

We all took several more questions from the audience and then it was about 9:30 and time for summation.

Cheri stated, “We will go in reverse order from the opening comments. Each of you has two minutes for concluding remarks.

Henry Dilson went first and spoke of God, country, prosperity and the Republican Party. He ignored me and tried to distinguish himself from his Democratic opponent. Dave Barnstrom went next. He grouped Mr. Dilson and myself into same corner and painted us both as heartless men who were protecting the interests of the wealthy. I went last.

“Ladies and Gentlemen. Thank you for coming tonight. The last speaker appeared to put me in the same camp as my Republican opponent. I’ll bet Mr. Dilson was uncomfortable with that pairing! Frankly, I have very little in common with either of my opponents. In my view, it is getting harder and harder to tell Republicans and Democrats apart these days. They have different constituencies and support different tax schemes, but in the end, they usually compromise somewhere in the middle and the business of government continues on without change. I read a newspaper article a while back that stated that our State’s largest employer would need to find a way to reduce the costs of its airplanes by twenty-five percent if it wanted to stay in business. Business is going through a revolution involving significant increases in productivity. This year, revenues of our State’s largest employer from the sale of airplanes will be significantly reduced. Want to know what’s happening to the State budget? It has hardly changed from the previous cycle. You see, in government speak, a decline in the rate of increase of growth is a savage cutback. Aren’t you tired of government speak? I am. That is why I am running as a libertarian. I want to be part of the solution. I want the State government to be as responsive as our own city. Here at Southport, if receipts are down, we find a way to adjust. Last year, the City asked for voluntary contributions of time and money to clean the city park. The residents were pleased to respond. That is called living within your means and it is also called responsive government. If you want our State to start treating you like our city, it simply will not happen if you elect either of my opponents. The State will not respond to your concerns until you cut off its ability to keep raising taxes. I urge you to vote for me if you truly want a change. Thank you and good night.”

I shook hands with my opponents and then greeted my wife, children and Mark. Oscar and Hank had given up listening long ago and were playing underneath the

bleachers. Natalie and Melissa were chatting about something of extreme importance. I was beat and ready for a beer.

“You did fine,” Cindy stated. “I am not sure the discussion on drugs went over too well, but I think I saw some ears perk up when you spoke about taxes.”

“You were brilliant,” Mark added. “Come on, I will buy you a drink,”

“Go on,” Cindy said. “I will take the kids home and get them to bed. Melissa can sleep over.”

Mark and I walked over to the lounge at the Kingfisher Café and ordered a couple of beers. Some of the townsfolk had the same idea and at 10:00 pm, the lounge was full, which was unusual for a Thursday night. A couple of people came over to congratulate me including a few of my clients. I guess I hadn't totally alienated myself to the community.

“Mark, do you think people will focus on the Sodom and Gomorrah arguments and ignore everything else?” I asked.

“I don't think so. I think I detected skepticism when Henry Dilson made his remarks and I think people were turned off by Dave. He tried to do the usual political thing and turn your own words against you. I think it may have backfired. You came across as sincere and levelheaded. A bit far out maybe, but rational. Who knows, the people of this community may surprise you.”

Southport was in many ways a remarkable community. It was a hearty group who did not like to be told what to do. Even though it did not have a highly educated populace, they were tough, smart, industrious and civic minded.

The community was known as being difficult to categorize from a political standpoint and had a history of electing iconoclasts. The 19th legislative district was very independent and proud of it. It did, however, tend to favor Democrats over Republicans. Like many areas, the older people remembered Franklin Delano Roosevelt as getting the country out of the depression and leading it to victory in Europe in World War II. While many were probably closer to having Republican ideals, they tended to vote Democratic due to their long time loyalty to FDR.

Many young people involved in business and the professions seemed to have devoted themselves to the Republicans but the Republicans also created a good deal of unease. In the mid-1990's, the Washington State Republican Party became strongly influenced by a religious element. Many Republican leaders wanted to blur all distinctions between religion and the State and they were extremely aggressive. I felt that religion was a private matter, particularly in politics, and I was uncomfortable with the party's religious connection.

Republicans had not held the Governorship of the State since the 1980's. Their candidates simply could not generate credibility or much of a following. On occasion, the Republicans had controlled one house of the Legislature, but not both. They simply were unable to garner a majority of both houses. That was quite a failure given the fact that so many of the Democrats were so far left.

Mark and I had debated whether the Republicans had a libertarian wing of the party and whether a libertarian could effectively run under a Republican label. Given the Democrats love of liberalism, which used to mean free and uninhibited conduct and thought, and the fact that the roots of the party were vested in Jefferson, I actually felt that a libertarian could just as likely situate him or herself under the Democratic label.

Whether Republican or Democrat, it would sure be easier to get elected under one of those labels, although getting through the primaries would be a challenge.

Third parties appeared to come and go except for the libertarians. When viewing prior years' voters guides, it was remarkable to see how many libertarian candidates were running for various positions around the State. It might take a good part of this century, but over time I thought it was possible for libertarians to gain real momentum. On one hand, they had the potential for picking up moderate, pro-choice Republicans who were tired of the party's moralistic approach. On the other, they might also attract fiscally conservative Democrats who were tired of that party's devotion to redistribution of wealth.

I asked Mark whether he spotted any cute girls in the audience and he responded that I needed to do a better job of drawing them in. He did mention that Cheri James caught his eye. We called it a night and headed home.

Cindy and I stayed up a while to discuss the evening. It was her sense that we would not have to sell our home and move out of town.

The next morning, Jennifer handed me a few messages as I walked in to the office. One was from Frank Jenkins, the owner of the local hardware and lumber store. Frank was a very good client and a very highly regarded member of the community. Frank was also deeply religious and a good friend of Henry Dilson. Frank was very successful and I enjoyed working with him. When I first started doing his legal work, he tried to push me around as he had done with his previous lawyer, Phil Yates. Several times I gave him advice that he did not want to hear and I stood my ground. He was not used to his consultants doing that. He stayed with me, however, and we became friends. He usually followed my legal advice.

I returned Frank's call and we agreed to meet for lunch. One of my favorite places to eat in town was the Big Timber Café located by the courthouse. Frank and I sat down just after noon and ordered.

"I heard about the debate last night."

"What did you hear?" I asked.

I was curious to see if Frank was displeased with my running against Henry Dilson and further, whether he viewed me as a third party kook.

"I hear that you put on a convincing show and that the other two candidates are worried," Frank stated.

"So, what do you think of your lawyer running for public office?" I asked.

"You know," he said, "you are an interesting fellow John. There is no way you should be running for office. You have a great law practice, a fabulous wife and kids, and by all appearances, plenty of money. You are not a backslapper. You don't have the inner need to tell people what they want to hear – particularly me. And you don't need anything that the political system can give you. Why are you running?"

"I have been asked that a lot, lately. I spent years in Olympia working on legislation. The system has devolved into a sewer because there are no limits on what legislators and the executive may do. The courts will hardly enforce any limits on either of the other branches. I am really tired of the legislators handing out taxpayer funded subsidies. I just want the State to take care of some basics. I want to give the voters and the other parties something different to think about. I thought it would be possible for me to have an effect on the voting."

Frank said, "Henry Dilson is convinced that you will take away votes from him leaving clear sailing for Dave Barnstrom. Dave doesn't know what to think."

"It seems a little early to me for them to be feeling pressure," I responded and then added, "but if they start to feel pressure, they could get nasty. They will call me a 2nd amendment extremist, an anarchist and whatever else comes to mind. Can you handle that?" I asked.

Frank chuckled again.

"I thought about it some and frankly, I am not interested in trying to train another lawyer at this point in my life."

Now it was my turn to chuckle.

“However, I am going to be mad as hell if for some reason you pull this thing off and are away in Olympia for several months every year,” Frank continued. “Just how in the world are you going to continue to serve your clients?”

“Frank, if the moon and the stars line up correctly and I get elected, the session is only for three and a half months in the odd years and two months in the even years. With cell phones and computers, we will have no trouble communicating. Have you figured out how to turn your computer on yet?”

“No,” he responded and laughed.

“Frank, there is a whole new world out there. I probably write one-tenth of the letters that I used to. I am constantly exchanging emails with my clients. You should try it. It is fast, it creates a written record and it saves money. It will reduce your legal bills.”

That got his attention. We then started reviewing his pending legal matters and had a constructive lunch. Frank continued to impress me with how resilient and independent he was.

After we finished lunch, Frank asked me, “You haven’t asked for a campaign contribution. Aren’t you going to ask?”

“I hadn’t planned to,” I replied. “Mark Dilbert and I were planning on financing this mainly out of our own pockets.”

Frank stated, “If I write your campaign a check, can you keep it quiet so Henry and Dave don’t find out?”

“I am afraid I can’t do that. The Public Disclosure Commission requires that each donor be identified. Your name would show up on a list filed in Olympia.”

Frank nodded and we shook hands and left. I ended up talking to Frank two more times that day dealing with an employment problem that just came up. I guess business would continue as usual.

Later that day, a secretary from Frank’s office dropped a check by made payable to my campaign for \$1,000.00.

That evening, I bought copies of the Aberdeen and Hoquiam newspapers. Both papers had reporters present during the debate. Southport’s paper was a weekly and only came out on Saturdays so I would have to wait to see what the local reaction was.

The Aberdeen paper gave a short account of the debate as follows:

Southport, WA. On Thursday evening, the three candidates running for the open State Senate position in the 19th legislative district debated the issues at Southport YMCA auditorium. About 400 people attended the debate. Cheri James of the Southport Weekly was the moderator. The three candidates were well prepared. Henry Dilson, a cranberry farmer, is running as a Republican and supports higher gas taxes to support transportation infrastructure improvements. Dave Barnstrom, a gas station owner and Democrat, supports revamping the State’s tax system with an income tax and a single-payer health care system. John Austin, a Southport attorney, is running as a libertarian. He appears to support major cuts in government services to bring the State budget into balance. The major surprise of the evening came when a high school student questioned Mr. Austin about his position on the legalization of drugs. Mr.

Austin responded that he would prefer that his daughter have the opportunity to buy drugs in a safe and legal manner without the risk of going to jail.

The 19th District has had extremely close elections during the last several elections. Early polls indicate the Dave Barnstrom is leading with 39%, Henry Dilson is next at 32%, and John Austin is in third at 8%, with 21% undecided. This promises to be a very interesting race because each candidate appears to offer a clear alternative from the others. For the first time in decades, there appears to be a credible third party candidate. While Mr. Austin's positions were extreme, he was articulate. He may well pose a problem for the other candidates, particularly the Republican candidate, due to his hard line on cutting expenditures and taxes.

The Hoquiam paper offered a more pointed assessment. The last paragraph of its article about the debate stated:

Mr. Austin, a business lawyer in Southport, has no chance of winning the race. His ideas are arcane and backward. He may well draw votes from the Republican candidate and pave the way to victory for the Democrat.

I was busy during the afternoon working on a contract. Mark wandered in at about 4:00 pm. He never seemed to have enough to do. We critiqued the debate and concluded that I was off to a respectable start. We both thought that the other two candidates would try to discredit me by highlighting what the public perceived to be my extreme positions on drugs, prostitution, guns and the like.

"I sure get tired of hearing those issues," I stated. "They are hardly core positions. We need to show that those issues are not a big deal."

"Tell that to a social conservative who believes that government should enforce morality," Mark stated and he added, "but you can win that argument. Ever hear of Afghanistan or Iran and the melding of government and religion?"

"Yeah."

"Use it."

"Yes, sir."

"Those issues will never go away John because it is just too easy a way for the Republicans and the Democrats to discredit you. Why should they have to defend their positions on taxes and regulations and the like when they can simply label you a gun toting john."

"Well," I responded. "I do want to treat the voters like adults. I do not want to sugarcoat the so-called extreme issues. I want to answer them honestly and get on to the issues that will actually be fought over in Olympia."

"That's fine, but you need to lay the basis as to why you take those positions," Mark replied. "You will need to show the voters that those positions are simply the result of maintaining a consistent philosophy, but more importantly, you need to convince them why it is important that you maintain that consistency."

“Keep in mind that I only need to convince just over 30% of the voters that I am not a kook,” I stated. I think we need to figure out a way to convince moderate Republicans that my positions are similar to their beliefs about limited government, and to convince fiscally conservative Democrats that my positions are similar to their beliefs regarding the United States being a liberal and tolerant society. The hardest aspect of all is that we need to convince both groups that voting for me is not a wasted vote. Any thoughts there?”

“We need to be like the guy who is pushing the anti-tax referendums,” Mark stated. “He wants to send the legislators a message that they better clean up their act and make our tax dollars go further. He is scaring the living hell out of them and the Governor. He is getting results. How about we confront the issue directly and adopt a theme to the effect that voting for you is a protest vote? Vote for John Austin if you want to stop the secret handshakes and bargaining that goes on in Olympia. We have to deal with the fact that you’re a lawyer though. You guys are given a license to steal by the State and backroom deals are part and parcel of what you do.”

“Mark, dentists make lawyers look like pikers.”

Mark looked hurt and started to deny my claim.

“Mark, when I go into your office for my semi-annual teeth cleaning, the charge for the cleaning is about ninety bucks. Your hygienist performs all of the work in about half an hour. You come in at the end of the session for about one minute to look over my teeth and ask me some questions, some of which are rude. An additional standard charge of forty-five dollars appears on my bill for a dental exam.”

Mark shrugged and he told me to take or leave it.

I asked him again whether his \$45 charge for a one minute examination was really appropriate and just exactly how did he justify that amount.

He responded in a highly offended tone of voice that he was a highly trained expert whose time was extremely valuable and that if I would like to continue to have the privilege of being a patient of his office that I had better stop asking such stupid questions.

“Good thing you aren’t running for office,” I stated. “After about two minutes of debate, you would be having to duck airborne bottles and fruit. You are one thin-skinned doctor. You’re really kind of a lightweight.”

Mark brushed off my comments with an air of superiority. It was a good thing that he didn’t have many competitors around.

Mark and I worked on our strategy until about 5:00 pm and then wrapped up.

“What’s Cindy got in the oven tonight?” Mark asked.

“If we keep feeding you, you are going to start seeing a surcharge on your legal bill,” I retorted.

“I’ve never gotten a bill,” he said.

I made a quick note to Jennifer to remedy that situation.

The next day, the Southport Weekly came out. It was Saturday and I got up at about 7:30 am and went out to the driveway to pick it up. I started a pot of coffee and sat down to read. The second page was devoted almost entirely to the candidates and the debate. I must have been nice to Joe Derby, the editor, because I got nearly equal space with my opponents. That was really going to tee them off. The final paragraph summed up the debate quite accurately, I thought.

The candidates in this race present three diverse positions. Each is an honorable man, well known in the community. Each has a compelling argument to make. The libertarian candidate, John Austin, presents an interesting mix of concepts by espousing fiscal responsibility and libertine social conduct. The residents of the 19th District should give each candidate careful consideration to determine which one best suits their point of view.

I was encouraged by the neutral position of the article and because it urged the readers to consider me in the same context as the other candidates. If the voters would only do what the article suggested, I was half way home. My job would be to simply get in front of enough people to convey my message.

I spent Saturday riding bikes with the kids and mowing the lawn. I saw some things that needed pruning, but Cindy was home. Football season for the boys had started so they begged off when I asked them help by claiming they needed to rest up for the game. I tried to get the kids to help in pulling weeds, but when I turned my back, they scattered.

The boys' football game was later that day. While sitting in the stands, several people came to shake my hand and wish me well.

Cindy and I went into Aberdeen that night for dinner and a movie. State politics was beginning to dominate our conversations. She was starting to get nervous about the amount of time and effort that this campaign would take. I tried to convince her that campaign time would come out of my recreation time and not my billable hours, but she seemed skeptical.

"I know you too well," she said.

On Sunday evening, I called a few people I knew to inquire about speaking opportunities. I played basketball on Thursday nights with a group of guys at the YMCA. One member the group, Jim Thompson, taught a leadership and government class at Southport High School. I decided to give him a call.

"Jim, this is John Austin." I said. "How would you like a real live political candidate for a very high and important public office to come and speak to your class?"

"Who would that be?" Jim inquired in a deadly serious tone.

"It would be me," I responded.

"Aren't you running as a libertarian?" He asked.

"Yes, I am. And I will bet that your class hardly knows anything about libertarian thought. Don't you think it would be a good idea for them to have their horizons broadened?"

"Well, I am not adverse to that, but it would probably violate about 50 school rules to start speaking about legalization of drugs. I will think about it. I would need to clear this with the principal. I will get back to you."

"I promise not to bring up the fact that I have on several occasions made you look triple stupid on the basketball court," I responded,

"The only person who looks stupid out there is you, particularly when you try that silly pump fake. My two-year old daughter wouldn't fall for that one. I hope you do a better job of running for office than playing basketball."

We concluded the call after a few more insults.

On Monday, I gave Jennifer the task of finding more speaking engagements and I tried to get some work done. In order for my business and household to meet its budget, I had to bill at least thirty hours per week. When I was in Seattle, my requirement for billable hours was significantly higher than that.

One major problem with the legal profession is that if a lawyer isn't working, no income is being generated unless the lawyer has a cadre of associates working on his or clients. Business lawyers are really just like plumbers or electricians but with higher billing rates. I do not take contingent fee cases so all of my work is paid for on an hourly basis and, unfortunately, my work was not easily delegable. Business work, which is what I mostly do, requires a close relationship to the client and involves constantly answering questions and exercising judgment. It isn't like litigation where you can hand off a set of interrogatories for an associate to answer and walk away for a few days.

Still, I had been thinking about taking on an associate to help me with my work and so I could have somebody generating revenue while I was doing something else. The problem was that in a small community like this one, it would take time to work an associate into the work stream and even then, some of my clients, like Frank Jenkins, would likely not deal with anyone less experienced and less familiar with his business than me.

I worked on a contract until noon. Then Jim Thompson, the high school teacher called.

"John, I spoke to my principal about your coming to my class to speak. After some hemming and hawing, she approved. How about coming over tomorrow at eleven, room 213? You will have about 40 minutes. Please treat me with some respect. The principal may be there, so please watch what you say."

"I certainly will Jim. By the way, was that one of your students that attended the debate last week and asked me the question about drug use?" I stated.

"I heard about that. I think it was," he said.

"She told me that you leer at her a lot. I gave her few numbers to call and told her to come and see me."

"John, do not even joke about stuff like that," Jim said. "You are a complete schmuck and there is no possible way that you will ever get elected. If people only knew what you were really like."

"See you tomorrow," I responded, and we hung up.

Sometimes my sense of humor got the best of me. Those teachers can sure be sensitive though.

I showed up for Jim's leadership and government class the next day at just before 11. I apologized to Jim for my joke during yesterday's call. After he hurled a few more insults, he discreetly accepted it. After the kids came filing in, Jim introduced me and let me have the floor.

I started off with some background.

"I spent two years in the Army after graduating from high school. I attended the University of Washington and graduated with a bachelor's degree in economics. I worked in a stock brokerage firm in Los Angeles and got tired of both California and selling securities and returned to Seattle to attend the University of Washington School of Law. After graduating, I passed the bar and was hired by a very old and respected law

firm in downtown Seattle. I practiced in several areas over the years. I tried cases, wrote contracts and wills and spent a lot of time in Olympia working on legislation on behalf of my clients. I became partner, got married and started having kids. My wife and I wanted a little slower pace and we moved here about eight years ago. I practice mainly business law.”

“A friend of mine convinced me to run for the State Senate after the incumbent from this area retired. Most people seeking political office first run for the State House of Representatives. Given the fact that a third party candidate has little chance of winning any seat, I thought I might as well give the Senate position a try.”

“When I was a lawyer working in Seattle, I used to represent clients who were concerned about the laws adopted by our State legislature. I helped draft statutes, I testified in committee hearings about proposed legislation and I assisted lobbyists in advising legislators what the legislation said and meant.”

“As soon as every session starts, the legislators are inundated with proposed new statutes. It is a terrible process and I came to intensely dislike it. The legislators usually do not read the statutes and only understand what the lawyers and the lobbyists tell them. When I moved here, I pledged to myself to keep my legal practice away from Olympia as far as possible. I guess that I have come full circle because now, I am proposing to go back to Olympia as a legislator. However, I am not running to be part of the usual legislative process.”

“One goal that I have as a legislator is to simplify our government. I want to simplify our laws so that they can be read and understood by non-lawyers. Many of the statutes that I would seek to repeal were passed as a result of lobbying of special interests. If elected, I will propose a comprehensive review of all of our statutes to see which ones should be repealed.”

“I am running as a libertarian because the Democrats and the Republicans are too close to the legislative process to reform it. They are fully committed to their constituencies and have very little independence. They are only interested in passing new bills into law that will protect the interests of their constituencies. My only constituency will be the individuals of the 19th legislative district. I am not going to represent the interests of a group that is seeking special consideration or subsidies.”

“Libertarians are a diverse group of people who desire to see government reduced to its essential functions. There are libertarians who believe that we should not have any form of government or any laws, but they are a minority. Libertarians generally believe that government should consist of local police to catch criminals, a justice system consisting of trial and appellate courts, jails to incarcerate the criminals once convicted and a national defense to defend our borders. We respect the federal constitution and the constitutions of the states. We believe in the rule of law and that laws should emanate from the natural rights that every person is entitled to. Those rights are enunciated clearly in our Constitution. In a nutshell, libertarians believe that a person should be able to do what he or she wants as long as it does not harm another. Before we had the onslaught of statutes and rules adopted by governmental agencies, the courts decided, on their own, the limits of a person’s conduct. Court decisions regarding issues not governed by statutes is called the common law and is still a powerful and important force in our society. For example, if I have been damaged by a person because he or she acted

negligently or fraudulently, I would look to the common law, which is contained in court opinions, to determine if I was entitled to compensation.”

“In the early days of our country, State legislatures and our federal congress were part time bodies that adopted very little legislation. Over time, that situation changed to the point that members of Congress make handsome salaries and benefits for conducting a full time job. The State of Washington has retained a part-time legislature. It is scheduled to meet for about three and a half months per year in the odd years and two months per year in the even years. The sessions begin in January of each year. The Governor can call a special session if needed. The pay is meager. Hardly any legislator is able to live off of his or legislative salary. ”

“If elected, I will continue to practice law here in Southport. While the Senate is in session, I would drive to and from Olympia every day and during that time, I will have to work nights and weekends or get some help to make sure my clients don’t suffer and so I can continue to make a living.”

“I notice that your class is called Leadership and Government. I do not want to be a leader even though I am running for office in our State Government. I want to return our government to the mundane day-to-day chores envisioned by our Constitution. I resent politicians who promise to lead us out of our problems. If you read the newspapers and listen to the pundits, you hear daily about crises in leadership and that our problems could be solved by leadership. The converse of that statement is that we, the citizens, need to be unified behind our leaders. Every time I hear that word unity, I think of Adolf Hitler and Nazi Germany. Hitler was probably the most successful example of a modern day leader who created unity of thought among the citizens of his country – or at least a certain class of citizens.”

“I am not a sheep and I don’t want to be lead. What I want is for government to take care of the basics, like catching, prosecuting and incarcerating criminals so that my family can live in peace and pursue happiness and fulfillment.”

“I think I better stop now before I get carried away. If any one of you have questions at this point, feel free to raise your hands and I will do my best to answer them.”

The same student who asked me the question about drugs in last week’s debate raised her hand and I pointed to her.

She stated, “You make it all sound so simple. I heard you say the other night that everyone should be allowed to take drugs if they want. If everyone does what they want, we will have people sleeping in the streets. Children will die. It would be total chaos.”

I responded, “What kind of controls do you think are necessary?”

“I don’t know. We can’t simply allow people to run off, use drugs and do whatever else they please and shirk their responsibility to others.”

I stated, “Probably the best thing I can say is that you and I look at life totally differently. I think you should look at those around you and ask yourself: Are people really so depraved and awful that the only solution is to whip or tax them into submission? I think most people are honest and caring. They take care of their children. They are generous with their time and money when others are in need. They do the right thing time and time again. We don’t need coercive laws to deal with those people. On the other hand, there are others who intentionally hurt others, steal their property and belong in jail. We certainly do need laws to deal with those people. Finally, there are

others who simply shirk their responsibilities. Laws will not force the shirkers to change their ways; they find ways to dodge or take advantage of the system at every opportunity. Attempts to do so are fruitless and limit the freedom of the good people. You and me aren't going to stop the shirkers. Let them go their self indulgent and self-destructive ways. Let's remove the subsidies that we give them, however. Let the others among us live freely so we can treat each other with generosity and respect."

Another hand went up and I pointed to a young boy.

"If I understand you," he asked, "you believe that government should only provide some skeletal services. What about the environment? Who will protect that? And what about education? Who will run the schools?"

"You ask very good questions. I think that the air and water require protection in the same way that laws protect private property owners from trespassers. Someone who creates waste should not be allowed to export that waste onto others' property and nor should they be able to foul the air and water. I would prefer that we use existing legal mechanisms to allow individuals to bring claims for damages and injunctions against those who are fouling the air and water. There are statutes and regulations which do that now. I think government regulations that prohibit discharges of harmful or obnoxious substances into the atmosphere or water are appropriate although the means of enforcement has created incredibly large bureaucracies. I would implement changes to those regulations to curb the bureaucracies."

"With respect to schools, our state constitution provides that the State guarantees every child an education. I honor and respect the Constitution. I would prefer schools to be provided by private entities but until there is a constitutional amendment to do so, I will honor the law. I disagree with laws that empower the State legislature to set teacher salaries and I would work, in legal way, to change those laws. Until the laws are changed, I will follow the laws."

"I do have one thought that I would like to share with you. I think that school districts should operate like a water or irrigation district. Those districts are entirely self supporting and self governing. Their board members are elected by majority vote of the residents of the district. They charge fees for their services. The fees are established by the board members and they are calculated to pay for the costs of operation and capital improvements. The board members of those districts set the salaries of the employees and make the management decisions. They only answer to the voters. I believe that, at very minimum, school districts should operate the same way. I believe that a school district should charge tuition based on rates adopted by the school board. Tuition should be designed to cover the costs of running the schools. Given the constitutional requirement that requires the State to guarantee a K through 12 education, the State could provide scholarships to those who could not afford to pay the tuition. I will admit that this is a compromised position – it is not pure libertarian theory. However, it would be a step in the right direction and would help keep the State legislature and Governor from micromanaging the function of the school districts."

A hand shot up and a young man asked, "I hear that libertarians want to legalize prostitution. Isn't that degrading to women and wouldn't it lead to more discrimination?"

"Libertarians believe that adults should be able to engage in unregulated commerce as long as no one is coerced into acting against their will. Libertarians believe that traditional laws prohibiting the initiation of the use of force and fraud are

appropriate. Laws which prohibit people from paying for sex have nothing to do with prohibiting the aggressive use of force. In fact, these laws lead to the aggressive use of force and here's why. If a customer is dissatisfied with the prostitute, the customer has no legal recourse to recover his or her payment. The reason is that prostitution is illegal and the police and the courts will not enforce an illegal contract. Therefore, the customer's only recourse is to beat up the prostitute. Prostitutes often work with pimps. One purpose of a pimp is to provide protection to the prostitute. Prostitutes need protection because the rules that govern legal transactions do not apply and prostitutes keep their distance from the police because they do not want to go to jail."

"In a nutshell, if the laws make something that people want to buy illegal, that just drives the activity underground. Because the participants in that activity are breaking the law, they have no recourse to the police or the courts. They can only resort to the use of force to enforce their contracts. That makes for a violent and oppressive underground marketplace for that service."

"I want to make one other point. Libertarians are not necessarily moral relativists. A moral relativist accepts nearly any behavior as moral. On the contrary, it is probably fair to say that libertarians have a strong sense of morality. I for example do not condone the use of drugs or engaging prostitutes. I do, however, believe that our laws should not punish non-violent behavior. Moral conservatives believe strongly that the laws should enforce their version of morality. Libertarians do not buy into that. That is a significant difference between a conservative and a libertarian."

Another hand shot up.

"You have distinguished yourself from the conservatives, but what about the liberals?"

"Libertarians are classical liberals. Read John Locke as an example. When the concept of liberalism was first developing, its roots were in the ideal that people should be free and they had natural rights – which means rights that do not emanate by grant from a king or queen. Classical liberalism is antithetical to living under the moral absolutes of a king or queen or dictator. Liberalism used to mean - let people be. Modern day liberalism has taken on another meaning, however. Now it incorporates high tax rates in order to redistribute wealth from the wealthy to the poor; it stands for regulation of markets to insure that some businesses are not profiting too much; and it espouses distribution of free health care and the like. Just like the conservatives do not want to recognize limits on government's authority to regulate social conduct, modern day liberals do not want government to be limited in the ways it transfers wealth and in regulates commerce. Both liberals and conservatives believe in the unlimited power of government. Politics for them is a scramble to get the most votes because the party in power can impose its will on the minority. It is dirty ugly business. Libertarians believe in absolute limits on the power of government and that is what makes us different and better."

At this point, Jim stepped in and interrupted the questions. Class was almost at an end and he issued a reading assignment for next week. He thanked me for attending. The class gave me a smattering of applause. They were very quiet. I got the sense that they had never heard such concepts in their life. I certainly doubt whether there were many teachers in the State schools who held a libertarian point of view. I thanked Jim and the class for listening and left.

When I got back to the office, Jennifer gave me several telephone messages. I ate at my desk and worked through the afternoon.

The next several weeks consisted of mixing work and various speeches before local groups. This political stuff was having a serious impact on my golf and basketball. I even went back to the office for a few nights, Saturdays and Sundays to get some work done

So far, the campaign had been somewhat tolerable as far as the time demands. I had missed numerous dinners at home and had to work some extra hours to make up for lost time during the day, but I was enjoying the sense of competition.

Mark and I often met for lunch or morning coffee to deal with strategy issues. Contributions came trickling. We ran some very modest newspaper advertisements.

We both expected that this experiment in civics would be over by election time and that life would then return to normal. We were enjoying the fact that we were causing our opponents some consternation. They surely were not worried that they would lose to me, but they were apparently concerned that I was siphoning off votes. I tried to tread a careful line during all of my presentations to maintain the appearance of respect for my opponents, yet be honest and candid at the same time. If I let my emotions really take over, I would come across as a ranting zealot.

When I was a very young lawyer, I made the mistake several times of thinking that an opponent was not very smart or sophisticated. After being handed my head on more than one occasion, I learned to treat every one with courtesy and respect because it never paid to get someone charged up to beat you. You just never knew what their true capabilities were and what tricks they were hiding up their sleeve. I intended to deal with my political opponents in the same way.

I was actually beginning to enjoy campaigning. Granted, I wasn't running a real campaign. My campaign budget to date was less than \$10,000 and consisted of a part time effort with no consultants, very little advertising and no staff. It was interesting that I was not being completely ignored. Polling conducted by the Southport Weekly indicated that I was being taken seriously by the voters. By the first part of October, the breakdown was Dave Barnstrom 33%, Henry Dilson 31%, 12% for me and 24% undecided. The paper reported that I was polling much higher than any third party candidate ever had done for this area. Whenever I was walking around downtown, which was nearly every day, people that I had never met before greeted me and wished me well.

The local paper was writing that I was taking votes from both candidates and that I was offering up some ideas that should not be simply dismissed. My primary goal at this point in the campaign was to get past the point of having to deal with drugs and prostitution issues, which in my view were peripheral but nevertheless an emotional hurdle for many, and get to the day to day issues of government such as the budget and taxes. I was continuing to meet with community groups to engage them in these discussions.

The groups that I met with were usually receptive to hear about libertarian theory. I enjoyed the questions and never felt like I was rehashing old material. I could not imagine what it would be like to be a Republican or Democrat and to make the same presentation about leadership and vision time after time.

The Southport Weekly had published interviews with Dave Barnstrom and Henry Dilson in previous weeks. This week was my turn. Cheri James, the paper's only reporter, was the interviewer. I liked Cheri. I could not tell where she leaned politically but she was bright and inquisitive.

I met with Cheri on a Tuesday afternoon for the interview. It was the middle part of October. She started with the standard questions regarding my educational, work and family background. She asked the usual questions about taxes, education and the environment. Then she started to focus on what I was trying to accomplish by running and what would I seek to accomplish if elected.

“The other candidates resent the fact that you are upsetting what would ordinarily be a traditional Democrat versus Republican election,” she asked. “How do you feel about being a wild card or spoiler?”

“So far, I am enjoying speaking my mind on the issues. Both the Republican and Democratic candidates have so many constituencies to please. The Republicans are being pushed by business and labor to raise taxes to build roads. The Democrats are being pressured to raise taxes in order to balance the budget without cutting services or benefits. My only constituency is the residents of this district. They have to work harder and harder to make ends meet. The businesses and local governments that they work for are being forced to do more with less. I think the State can do more with less. It does not surprise me that I am taking away votes from both parties. My positions appeal to elements of both parties. I stand for fiscal responsibility and increased freedoms for individuals. Neither party stands for that mix of ideas. The mixture is not a grab-bag, however. It is based on a consistent philosophy that the only purpose of government is to protect individual rights. Rights do not include things that come at the expense of another. For example, I do not believe that anyone has the right to free health care. To believe in that would mean that each person has the right to take money from another to pay for the service or to compel health care professionals to provide the service for free. Doctors, nurses and their assistants and staff are free people like you and me and they should be free to contract with whom they choose and on what terms they choose.”

“That sounds pretty harsh,” Cheri stated.

“The consistency offered by libertarians sometimes sounds a little harsh at the first exposure, but it is entirely respectful of individual rights. I welcome the fact that I am giving the Republicans and Democrats fits. They had better get used to it. I am not the only libertarian out there.”

“If you are elected, what would your role be in the Senate?” Cheri then asked. “I understand that there are no other viable libertarian candidates. You would be by yourself if you were elected. What would you do?”

“I will simply vote my conscience. With only one vote, I will probably not be able to affect the outcome of any significant votes. If the Senate remains very closely balanced between the Republicans and Democrats, it is possible that I may become a swing vote on some measures. If that happens, the populace should feel very comfortable with that. I would likely vote with the liberals on matters affecting individual freedom and with the fiscal conservatives on matters dealing with the budget. There is a part of the populace which is very comfortable with that voting pattern.”

“What makes you say that?” she asked.

“Look at the referendums that the people of the State of Washington have passed in recent years. Anti-tax forces have taken direct aim at government taxing powers five times in the last several years, and four of those times the voters approved those measures. On the other hand, the State has not had a Republican Governor since the 1980’s and for the most part, the Democrats have controlled the legislature. You would

think that the anti-tax sentiment would spill over to the election of more Republicans, but it doesn't. The voting patterns do not represent a contradiction and they can be interpreted two ways. The first way is that the Republicans have fielded poor candidates. The second way is that the Republican candidates are distrusted by the voters. While I think there has been some of the first, particularly with candidates for Governor, I think it is more of the second. The voters simply don't like or trust candidates who are unable to separate their religious and moralistic fervor from legislative enactments. I offer the voters a different mix – I am negative on raising taxes without the moralistic element.”

Cheri furrowed her brows. She obviously did not appear to be satisfied, so she pressed on, “But you are so over the top on both issues. Libertarians want to slash government programs so all that remains are just basic police protection and on the other hand, they believe that people should be allowed shoot up heroin. The populace does not believe in those things.”

“Given the fact that there are no libertarians in the legislature, I can't argue with you. However, the positions that you just pointed out are both a political weakness and a strength. The weakness is that my positions are so new and different that people simply have a hard time accepting them. The strength is that they are borne by having a consistent philosophy. Let me ask you a question, in an evenly divided legislature, who do you think would be the most fair and objective tie-breaker; a Democrat, a Republican or a libertarian?”

“I am asking the questions here Mr. Austin.”

“All right. I will answer my own question. A libertarian will be the person that you want breaking the ties. You may not agree with everything the libertarian believes in and you will not agree with every vote that he or she will make, but over the course of a session when many votes are taken over vast numbers of subjects, you know that the libertarian will provide a restraint on both parties by culling out the legislation which goes beyond government's essential functions. By doing so the libertarian will protect the interests of the individual to the detriment of special interests.”

“Please cite some examples,” Cheri continued.

“If the Republicans sponsored a bill authorizing State sponsored prayer or outlawing the publication of the nude images, the libertarian would vote no. If the Democrats presented a bill to adopting a single payer universal health care program or mandatorily cutting back the work week to thirty five hours, the libertarian would vote no.”

“But isn't that the roll of the Governor with his veto power?” Cheri, replied.

“Ideally yes, but the governorship in Washington has traditionally been held by a Democrat and it would certainly be unusual for a Democrat to veto legislation supported by Democrats.”

“But there is always the courts to strike down legislation that has gone too far afield,” she countered.

“I wish that were true more often, but unfortunately, our courts, with the exception of only a few judges, have become very deferential to the legislature. The courts rarely strike down legislation and I would urge you to review the two stadium cases as an example.”

“Third party candidates have had a hard time getting elected in this country because voters often feel that they would be wasting a vote by voting for one,” Cheri

stated. “Why should anyone vote for you knowing that the chances of your being elected are slim to none?”

Cheri was very persistent and was a very good interviewer. She had that very interesting female trait of making you feel about two inches tall.

“Have you had legal training?” I responded. “I feel like I am on the witness stand being cross-examined by a trial hardened attorney. And thank you for the vote of confidence. To answer your question, there are several reasons why people should vote for me. The first is that life is stranger than fiction and you never know what is going to happen. If I draw votes from both of the major parties, then all I will need is 33.4% of the vote to win. It is not inconceivable that I could get that number of votes. Second, voters should vote their conscience because how else will they send a signal to the powers that be that they want a change. If they don’t vote for me but would like to, the major parties will never get the message and they will never change their ways. Third, even if I don’t win, if I receive a significant vote, say anything over twenty percent, that will encourage more libertarian candidates to run for office. Eventually, whether it is this year, next year or the next decade, I believe libertarian candidates will become a force to be reckoned with. I think diversity would be good for American politics. The major parties are constantly compromising in order to broaden their base. As a result, each major party has a lot of unhappy people in their ranks and their platforms are mush. A third party would allow the major parties to focus on their true beliefs instead of pitching the big tent. That would result in more honest politics.”

“By voting for you, wouldn’t the voters be setting themselves up for legislative gridlock?” Cheri countered.

“If I was elected and the Senate remained in very close balance, that is probably true. Both parties may need my vote to get their programs passed. I will vote my conscience and so my vote will be hard to get. As I explained before, I would become an extra filter in the legislative process. However, I don’t think that gridlock is bad. It is certainly better than having bad legislation passed. Our law books are over-filled with statutes that grant special favors, impair individual rights, are difficult to understand or hard to enforce. We are the most over-lawyered country on the planet. The average person now consults a lawyer when he or she buys or sells a home or enters into even the simplest contract. Heaven help you if you get a letter from a governmental agency making a claim or inquiry. You had better get a lawyer because it takes a lawyer to understand the agency regulations and the case law interpreting them. While I believe that people should consult with lawyers to protect their rights, we have gone way too far. The onslaught of legislation has created more legal specialists than are necessary. Name an agency and there will be lawyers who do nothing but practice before that agency. The work is totally artificial and the laws divert valuable resources from areas that really need it.”

“What do you mean by artificial?”

“Look at the tax code. There are thousands; probably hundreds of thousands very bright and capable lawyers and accountants who are experts in federal and state tax codes. Tax law is unbelievably complex. Its complexity is derived not by complex circumstances. Instead, it is derived from legislators trying to impose their view of fairness on the world. The result is nearly incomprehensible muck. That is what I mean

by artificial. Just think of the creative processes that are being wasted in dealing with tax law. The cost of those services might as well be flushed down a rathole.”

“But why is gridlock good?” she asked.

“Gridlock is good if it means that more laws are kept off the books. Gridlock is the first step to repealing harmful statutes.”

“But we live in a complex society. Aren’t complex laws a reasonable result of that?”

“No. We should still be governed by simple rules. Not too many years ago, lawyers could be generalists. It was not uncommon for one lawyer to be able to write a will, draft a contract or try a case. Lawyers were counselors and were well respected in their communities. Now that the rules are incomprehensible except to the lawyer-specialists, the lawyers are regarded as opportunists and sharks. To keep picking on taxes, do we really need a taxing agency such as our State Department of Revenue that has hundreds of taxes to levy and collect? Have you ever looked at a State of Washington Excise Tax Return? It is mind boggling. It contains a myriad of taxes, with classifications and sub classifications, each with a different rate, and its own exemptions and deductions. However, just knowing what a statute says isn’t enough. To understand a tax, you have to know the legislation, the agency rules and the case law surrounding it. The system is out of control.”

“Do you believe in taxes?” she asked.

“I do, as long as they are only used to fund the essential functions like police, courts and prisons. I believe that everyone should pay taxes because everyone benefits from those services. I laugh every time I hear the statement that a business that runs a loss should not have to pay taxes. Don’t businesses that run a loss benefit from police service? Taxes should have extremely low rates with a very wide base. There should be no exemptions, exclusions, deductions, credits and so on. They must be so simple and low in amount that they do not deserve the attention of lawyers and accountants.”

“Who will care for the poor and infirm if the government doesn’t perform that task?” she asked.

“The answer is the same people who did it for centuries prior to the institution of the welfare state. It used to be that having an extended family meant something. Instead of putting grandpa and grandma in a nursing home, they would be cared for by their families when they were no longer able. If there was no family available, then churches and charitable institutions were there. In the 1930’s, government began to step into that function and over time, it has crowded out what was a very natural process. Sounds sort of handy if your goal is to get the old folks out of the way or if you desire to tax the living daylights out of those currently working to finance the system. Government is in the process of destroying all incentives to save and invest while a person is able so that he or she can live in comfort in old age. Why save if the government will finance your retirement? And for those who do save, there are lawyers who specialize in counseling people how to give away their assets to their kids so they can qualify for Medicaid!”

Cheri asked a few other questions and we were finished by 5:00 o’clock p.m. She concluded, “Mr. Austin, I want to thank you for your time. This has truly been an interesting experience. While I have reservations about your political philosophy, I will admit that it would truly be interesting to see someone like you get elected.”

I had noticed that Cheri wasn't wearing a wedding ring. She was in her mid thirties, trim and nice looking.

"Have you ever met Mark Dilbert, my dentist and campaign manager?" I inquired.

She looked at me with a pained expression.

"Yes, I met him once," she replied.

"He is a great guy, a good father to his daughter, a darn good dentist and not a bad golfer."

"Mr. Austin, I do not think that Mark Dilbert is my type and if you are suggesting some kind of social interaction with him, you can forget it."

"It just seems to me that both of you may have some common interests," I responded.

"I am fully aware of what Mr. Dilbert is interested in. I am simply not interested."

We shook hands and I left. I grabbed a snack because I was famished and parched and walked back to my office. I thought that I would try to get some work done before dinner time.

I dropped by Mark's office and we set up a golf game with Rob and Paul for Friday afternoon. I had been neglecting my game and I needed some relaxation. I returned a few calls and then stopped by Hank and Oscar's football practice on the way home to watch for a little bit. After practice, I took Hank and Oscar home and we sat down for dinner.

"How did the interview go today?" Cindy asked.

"I didn't hold anything back. It will be printed in Saturday's paper. I don't think there will be any neutral reactions."

Natalie asked, "Do you think people will think you are a jerk are they read it?"

"Honey, I think the people in this town are very accepting of other people's opinions. There will be a lot of people who don't agree with me, but that's okay. We all like living here and we have a lot of friends. That will not change."

"There is another thing that I want to mention to all of you," I added. I will lose this election. There is no chance that I will win. The fact that I will lose does not mean I am a bad person or a lesser person than my opponents. I have a different viewpoint than my opponents as to how the State should be run. My views are held by only a small percentage of the population. In other words, my views are not popular. This will be like the situation where the most popular person gets elected as class president while the brightest and hardest working person comes in last. That is just the way life is. If someone taunts you or calls you names because of me, I want you to just smile and ignore the comment. Just let it go. This election will be over soon and our lives will get back to normal quickly."

Natalie, Hank and Oscar seemed to understand and we went on to talk about other things. Our high school football team was playing Hoquiam this Friday night, which was a main topic of conversation. Natalie's middle school was having a dance before the game, which she was really looking forward to.

One of my favorite things to do was to go to the high school football and basketball games and to chaperone school dances. Watching our school games gave Cindy and I the opportunity to watch the kids meet their friends and hang out.

Chaperoning her dances was very, very interesting. Natalie told me on more than one occasion that she didn't mind me coming to the dances as long as I didn't dance.

"How about the slow ones?" I asked.

"Well, maybe one as long as you don't do a bunch of goofy ballroom stuff. I was sooooo embarrassed the last time you tried to do the tango. People kidded me about it for weeks."

"Ok, no more tango. But I am a better dancer than Mark Dilbert."

"That's not saying much, dad."

The next day, I met Mark for a cup of coffee before work. Mark actually drank green tea because he was a health nut.

“I tried to line you up with Cheri James, but she wouldn’t bite. I got the distinct impression that she already met you. What’s the story?” I asked.

Mark squirmed. “I ran into her once at Chamber of Commerce function. We didn’t really hit it off. I don’t think she appreciated my sense of humor.”

“Oh great. Which one of your stupid jokes did you tell her?” I asked.

Mark thought for a second and said, “I don’t really remember but she was not impressed.”

“I hope you didn’t dance with her,” I said. I have seen Mark too many times on the dance floor and it wasn’t pretty.

“I actually did take her over to the Bullhead Tavern for a beer afterward and I think we did take a few trips around the dance floor,” he said.

I did not like where this was headed. Mark was the most preposterous dancer that I had ever seen. Whenever he ventured out onto a dance floor, he looked liked a polka dancer trying to do 70’s style disco. It didn’t help that he usually towered over everyone. He had absolutely no appreciation for how stupid he looked and what’s more, he didn’t care. “Please tell me that you did not proposition her,” I said.

“No, she blew me off before I could even ask,” he replied.

“She must have been very impressed with your dancing,” I said. “You know Mark, you should never take a girl dancing on the first date. Let me correct that, have her move in with you first or wait until she has an engagement ring on before you take her dancing.”

“You are hurting my feelings,” Mark sniffed. “And besides, I have heard your daughter say that she is not going to let you dance at any more of her dances. She says that you have embarrassed her to no end. You should be ashamed of yourself.”

“You should hear about what your daughter says about your chaperoning. I hear you’ve been banned for life.”

“That has been highly blown out of proportion. Let’s change the subject,” Mark replied.

“Good idea. Let’s hope that Cheri is a good sport and doesn’t associate me too closely to you,” I said. “You could have told me, you know.”

“Look,” Mark stated. “She is reporter. She’s trained to be an objective observer and keep her private feelings out of her work. I am sure she will treat you fairly.”

“Next time I run for office, I will need to get a better campaign manager.”

We went on to discuss campaign strategy and by 9:00 am, we were both back in our offices.

On Saturday, I got out of bed early and headed out to the driveway to pick up the newspaper. The front page contained a story about how the legislature was shaping up. The pundits were projecting a nearly equally divided House and Senate. It looked to me like the next session was shaping up to be a train wreck. The budget still remained about two billion dollars out of balance for the next two-year budget cycle.

The demands on the State seemed to be even more intense than in past years. Business interests were putting increasing pressure on the State to cure traffic congestion

in the central Puget Sound area. This was the area that contained the State's largest cities of Everett on the north, Seattle in the middle and Tacoma on South. Those three cities are located about fifty miles apart from each other along Interstate 5. They were starting to grow into each other and it was taking increasingly longer to drive between them, no matter what the time of day. The State collected a gas tax of twenty-three cents per gallon which had not been raised in many years. Many transportation experts complained that one of the reasons for our congestion was that the tax was not keeping pace with inflation. Advocates for governmental services were very concerned that budget shortfalls would pressure the politicians to cut services. They pleaded for extension of unemployment benefits, job training, additional health care benefits and more. Taxpayer advocates were not about to allow any tax increases. Something had to give and it was clear that the next session was going to be a hard fight.

I quickly thumbed through the paper and found the opinion section. My interview with Cheri James took up nearly one whole page. I read through it and found Cheri's work to be very accurate. I was pleased with the presentation.

I took it easy that weekend. I mowed the lawn, watched Hank and Oscar's football game, and took a walk with Cindy, Natalie and our dog Scout. Fall in the State of Washington was truly something. It was my favorite time of year. The air was crisp and clear and the deciduous trees turned extremely bright shades of yellows and orange. While Washington in general and particularly the coastal part had its share of evergreen trees, there were many pockets and strata of maples, alder, birch and other deciduous trees that provided a striking contrast to the brilliant greens of the evergreens. The clear autumn air was energizing.

My mind was wandering far and wide during our walk and I didn't hear very much of the conversation between Cindy and Natalie. I was thinking about what it would be like to be a legislator. I was thinking that it would not be very much fun. I enjoyed the confrontations embedded in the practice of law and figuring out, day after day, how to make the most of a particular set of facts and maximizing what could be obtained for the client. I did not enjoy game playing games and culling favors. I also had no illusions that I had the ability to sway die-hard Democrats and Republicans from their positions. But, getting into a position of power as a tie-breaker and having no political commitments or aspirations was intriguing.

I perceived the constituents of the 19th Legislative District as not wanting very much from Olympia. They just wanted to be left alone to make their livings and raise their families. That would leave me to vote the way I wanted.

I really liked the idea of absolutely scaring the living hell out of my opponents in the 19th Legislative District and opening the door for more libertarians to run in the future. After munching for a while on those thoughts, I came to the conclusion that I should take more time off work, spend more time campaigning, create as much havoc as I could for my opponents and enjoy myself as much as possible in the process. This was likely to be my only shot at this and I might as well make the most of it.

There were only about three weeks before the election. The campaign was actually going better than expected. I had received some great press and I appeared to be taken seriously by the voters. I had gone into this race almost as a hobby. I certainly wasn't planning on winning. I had been bored and needed something to do. I was an easy pushover for Mark when he first suggested my running for office. But now that I

was actually in the race and not doing to badly, I began to think that I wasn't trying hard enough. I had always enjoyed focusing my attention and grinding away at a project. I might as well start grinding away on this one.

On Monday morning, I went into the office and I gave Jennifer one task, which was to get me more speaking opportunities. I didn't care if it was to social clubs, chambers of commerce committee meetings or whatever. I wanted to get my face in front of as many people as possible. I wanted to put a rational and reasoned voice behind my name and label. All I needed was to convince just a shade more than one out of every three voters that I was worthy of their vote.

I worked through the morning trying to get my workload organized so I could begin taking more time off. I planned on staying in touch with my clients through the cell phone and email. I had a wireless modem for my laptop computer that could connect me to the Internet at any time, nearly anywhere. I could read and respond to emails from the front seat of my car, while parked, of course, or from a park bench.

I had a quick bite to eat with Mark at noon and told him my plans for the next three weeks.

"You know, you are absolutely worthless as a campaign manager," I stated. "You should have had me doing the speaking rounds months ago."

"I didn't think you were prepared to spend more time out of the office," Mark replied.

"I don't think I was. But I have enjoyed the confrontations and the give and take of the debates and discussions. Over the weekend, I came to the conclusion that I might as well give this my best shot and scare the hell out of my opponents. I understand that both Dave and Henry are convinced that I am taking their votes and will cause the other to win so I might as well make their predictions come true."

"I think they might want to start worrying about you actually winning," Mark said. "Did you read the latest poll conducted by the Aberdeen paper?"

"No, I haven't seen it yet," I stated.

"Barnstrom 28%, Dilson 26%, you 20% and a whopping 26% undecided," Mark said.

I contemplated those figures for a minute and went a little numb.

"What? Are you kidding?" I blurted.

"No, I am deadly serious. There has been significant deterioration in the figures for both the Republican and Democrat. You are for real."

I sat there for a minute considering the ramifications of these numbers. "Do you realize what those figures mean?" I asked.

"I think it means that you have a shot. The undecided votes are going to control this election," Mark replied.

After lunch, I worked for a few more hours and then sat down with Jennifer at three o'clock. Jennifer had lined up two engagements for tomorrow in Southport. One was lunch with the Rotary and the other was dinner with the Toastmasters. On Wednesday, I was scheduled to speak at breakfast with the Grange and lunch with the Ladies Auxiliary. Wednesday night, I was given a few minutes at the Grayland cranberry co-op monthly meeting. Thursday, I would talk to a commercial fishing group from Aberdeen and later in the day, I would meet with some loggers from Longview.

On Friday, I was already scheduled to meet with the editorial board of the Aberdeen daily newspaper. Aberdeen was just inside the 19th Legislative District while its adjacent neighbor, Hoquiam, was in the 24th. Aberdeen's paper was widely read in this area and it covered Southport's activities. I did not expect to get its endorsements, but I would consider it a victory if they didn't simply dismiss me. Jennifer and I concluded our meeting and I thanked her for her work.

Jennifer was turning out to be an invaluable ally in my practice. She knew the clients and listened carefully to their messages. She could not give legal advice because she was not a lawyer, but she was so familiar with my work and was so close to the projects that I was working on that she was able to keep clients and opposing counsel informed. She was smart, had a great personality and knew the boundaries of what she could and could not say.

By the end of the day, I had gotten most of my workload under control so I went into town and stopped by the Southport Weekly offices. I saw Cheri as I came in and she greeted me warmly. I complimented her on the write-up of her interview with me and added, "You gave me much more play than I expected."

"Well, both Joe and I were getting a little bored with the standard routine of Democrats versus Republican. We think you add an interesting mix to the race," she replied.

"I have learned that my campaign manager Mark Dilbert once tried to lead you around the dance floor. If I had known that before, I would have profusely apologized for him," I stated.

"He did indeed, but there is no need to apologize. He is something else, though," she stated.

"He is usually okay except for his dancing. His daughter has banned him from chaperoning any more junior high dances."

"That is probably a good idea," she noted.

"I have known Mark since college. He has a sweet side and he takes wonderful care of his daughter," I stated.

She nodded and I could see her eyes drifting off.

"Okay, I'll stop. Have you seen the Aberdeen paper's poll figures for the Senate race?"

"Yes I have," she stated. "Dave and Henry must be fuming."

"I suppose so," I replied. "Is Joe around by any chance?"

"Yes, I'll get him for you."

We said goodbye and she turned and walked down a hallway into a back office. Joe came out less than a minute later and invited me back to his office.

"What's up?" he asked.

"I would like your paper's endorsement," I replied.

"What makes you think that we would give a third party nutball like you an endorsement?" Joe growled. "The most important thing this little backwater paper has is its integrity. That and the ability to stay solvent year after year, even in this crappy economy. Do you have any idea how advertising has fallen off?"

Before giving me a chance to answer, he added, "why should I risk alienating my remaining advertisers and our loyal subscribers by endorsing you?"

“Because I am by far the best candidate and my views are most closely aligned with what the voters in this district really want,” I stated. “Both Henry and Dave are just spouting off the same old stuff. Don’t you ever get tired of hearing it? At least with me, you get to hear something new and different.”

“I have been in this business a long time,” Joe stated. “I have seen local politicians come and go. Each one has promised something different. Each one has promised to lead us to the Promised Land. I’ll admit that you’re different. I like your honesty even though I think you are heartless.”

“Joe, there is nothing heartless about having government scale back. You, like so many others automatically assume that if government does not provide all that we need, that no one else will. I don’t buy that for a minute.”

Joe’s eyes started to roll so I stopped the lecture.

“Joe, you know that Dave and Henry do not have anywhere near the brainpower or independence that I have. If either one of them is elected, all they will do is vote the party line. That is all that they know how to do. Just think how much fun it would be to report on a plainspoken libertarian occupying a seat in a closely divided Senate. Just think of the intrigue and the plots. It will be like Rome. The only thing that will be more entertaining is if I was a communist. It would be good copy. You would sell more papers! The polls indicate that I am being taken seriously. I think you should take me seriously also.”

Joe pondered for a moment and stated, “It would be a little easier to take you seriously if you were a little more serious.”

I responded, “You are dead right. I have a bad habit of making jokes when I shouldn’t. Just ask my wife.”

Joe said that he and his distinguished editorial board would be making their decision soon and he wished me luck. We shook hands and I left thinking that there was no possible way that Joe was going to endorse me.

I spent the two weeks going from one event to another making my pitch and trying to get some work done in between. The pace was tough, but probably not as rigorous as that of candidates in the urban areas. I still had time to see my family and have a little fun, except there was no time for golf and basketball.

I got a lot of incredulous looks and heard a fair amount of skeptical laughter when I proposed that the State disengage itself from a myriad of programs, but I got pretty good at selling my concepts. Still, there were a lot of skeptics.

An interesting exchange occurred one evening at the Southport Grange. A man from the audience raised his hand and asked, "I appreciate the fact that you libertarians believe in reducing the size of government, but what does that mean for the environment."

I responded with my routine spiel about property rights and how government did have a roll in protecting water and air."

The man responded, "that was a nice flowery speech and I feel warm all over. Now, step off your high horse for a moment and answer this. I raise over 100 head of dairy cattle. I have a creek running through my property. The Department of Ecology is telling me to keep my cattle away from the stream because the manure harms the fish. I have a water right on that stream for stock watering so as far as I am concerned, I have a right to do what I do."

"I think you need to stop your cattle from polluting the stream," I responded. "It isn't just the fish that are harmed. Every downstream property owner has to live with the waste from your farm. I am not a water rights expert, but wouldn't your water right give you the ability to pump the water out of the stream to bins or ponds that the cattle could drink from so that you could maintain a buffer between them and the stream?"

The man answered, "Yeah, probably. But at what cost? My farm has been operated this way for close to eighty years. I do not see why I should have to change."

"I commiserate with your situation but from what you have told me, I think the State is reasonable in requiring you to keep your cattle away from the stream."

The man responded, angry and frustrated, "I cannot make sense out of the things you are saying. On one hand, you talk about cutting back government to skin and bones and on the other, you are supporting it. You are talking out of both sides of your mouth."

"Your confusion may come from a misconception that I want to totally dismantle government. I do not. I do not want to dismantle the parts that provide police protection to persons and property. The air and water are public property and the State plays a legitimate role in protecting the quality of the air and water."

The man did not appear to be satisfied. I invited him to stay afterwards so we could speak more, but he left.

I finally finished up my engagements by 2:00 on Friday afternoon. I met Mark, Paul and Rob at the golf course. It had been a tough week and I was looking forward to a little relaxation. We were having a beautiful autumn. Every few years, Washington would produce very late summers that would stretch well into fall. Those fall afternoons would get unusually warm, enough so that if you didn't know better, you would think it is summer. This was one of those afternoons.

While hitting a few practice putts, Mark asked me if I had seen Cheri Baker lately.

“Yeah, I saw her a few days ago,” I responded.

“Has she asked about me?” He said, looking like a six foot four puppy waiting for his dinner.

I paused and thought for a second whether I should be truthful. “No, I don’t think she did,” I stated.

Mark deflated a bit and then perked up again and asked, “What was she wearing?”

“Mark, do you need some counseling?”

He wandered off to hit some chip shots.

I was pretty rusty because I had not played for a couple of weeks. We teed off by 3:00 and the plan was to play a quick nine holes. By the eighth hole, Paul and I were two down in both games and had been closed out. Mark and Rob were giving each other high fives after nearly every shot and were being unusually insufferable.

As we were walking down the ninth fairway, we all looked over the south into a small neighborhood adjacent to the course. Oftentimes throughout the summer, we saw a pretty young woman washing her car in the driveway of one of the homes. We always kept an eye out for her. She must have enjoyed the attention because she spent a good deal of time washing her car. This day, she was wearing a pair of shorts and a tank top. She was hosing the car down as we walked by.

“That is one fine physical specimen,” Rob said for about the fiftieth time.

Mark readily agreed.

“Mark, why don’t you run over there and get her number,” I stated.

“She’s got a boyfriend,” he replied.

Mark’s dental office was a central clearing house for information about single females in Southport.

“That gal is really hot. What I wouldn’t do to get about a half hour alone with her,” Paul lamented.

“Paul, all you would need is about thirty seconds,” Rob countered.

“Well, that would be thirty seconds more than I get at home,” Paul said.

“Maybe that has something to do with you,” Rob stated. “Endurance is a positive trait you know.”

“I don’t like to waste a lot of time,” Paul said. “I’m a busy man.”

“Doing what, ogling young women and playing golf,” Rob said.

“I only ogle them when they try to attract me,” Paul replied.

“You have got to be kidding,” Paul retorted. “The only women that would give you a second look are down at the nursing home.”

“You wouldn’t believe how many women are interested in me,” Paul responded. Women are constantly giving me the eye.”

“Women give me the eye too, but it doesn’t always appear to be a sign of affection,” Mark said. “I read a recent study about what women look for in men.”

Everyone was quiet waiting for him to continue.

“While they are ovulating, they like traditional male features,” he continued. “You know, strong chin, square shoulders.”

“Yeah, so,” Paul said. Everyone else remained quiet.

“But just before the menstrual cycle starts, they like them best with a pair of scissors sticking in the side of their head while they are on fire.”

Everybody laughed.

Paul said, “Mark, I am not really sure you were married long enough to fully appreciate that joke.”

“Oh, I think I was,” Mark replied.

We continued walking down the fairway. We finished the hole and went into the clubhouse for a beer. Mark and Rob bought since they were the winners.

“So, how is the campaign going?” Paul asked me.

“Hey, I thought we weren’t going to discuss it,” I responded.

“Well, just this once,” Paul replied. “Notice that I didn’t bring it up on the course. And by the way, you stunk today. You need to start devoting more time to the important things in life, like your golf game.”

“I agree with that,” I stated. “Campaigning is a ton of work. I have met a lot of people, most of whom politely listen to me but don’t agree or understand what I have to say. Many totally tune me out. Some think I am an anarchist. However, the polls show that I am gaining so there are apparently some voters who are getting it.”

“That’s because your two opponents are such jerks,” Rob stated. “The word that is getting around is that you are smarter than both of them put together. It is probably fair to say that most people don’t fully understand your position, but they like what you say on taxes. I think your good showing in the polls is due primarily to your position on taxes. I think the other parties have lost their credibility on that issue. Keep hammering away at taxes.”

Paul added, “People ask me constantly what they think of your campaign. I think Rob is right – you are a puzzle to most people, but the tax message seems to be getting through. The best thing that you have going for you is the economy. Money is tight and most people are simply tired of putting more money into the State.”

Paul and Rob both had to get home. Mark and I stayed to finish our glasses of beer and both of us concluded that we had just received some valuable input. We agreed that for the last days before the election, I would focus on taxes as my primary issue. We both left around 6:30 pm. Cindy was putting dinner on the table as I walked in.

“What did you fire,” Hank asked.

Hank was turning into a golf nut.

“Rotten. You got a few bucks I can borrow,” I stated.

“Dad, don’t lose all of your money on the course,” Hank stated. “I want to go to college.”

“I am counting on you getting a scholarship, so don’t slack off. As a matter of fact, if you become a rich ball player, I’ll be your agent and you can support your mom and me in a fine lifestyle.”

“I will give that some serious consideration dad,” Hank replied in a deep and mocking voice.

He was learning quickly.

We had a nice dinner of spaghetti and meatballs. Natalie was sleeping over at Melissa’s that night so she took off right after dinner. I told Hank and Oscar to walk her over and to be right back. Cindy and I had a second glass of wine and recounted the week.

“I ran into Cheri James today in town,” she said. “She stated that you were trying to fix her up with Mark.”

“She did seem eligible,” I stated.

“Unfortunately, she seems to be a little too familiar with Mark’s ways.”

“Yeah, they apparently ran into each other one night. He took her dancing.”

She drew her breath in, “Oh, no. The poor girl.”

“Yes, she is probably scarred for life,” I replied. “But I have a feeling that Cheri isn’t totally turned off by Mark. I think he just caught her by surprise. I will keep working on her.”

“Please be careful. Mark can be so overwhelming for a girl. He just doesn’t know when to stop.”

We changed the subject and Cindy noted that she was becoming concerned that I had a real chance of winning the election. I did my best to convince her that the numbers were much closer than they seemed due to the large number of undecided votes. Besides, polls in small towns were subject to a significant error factor and it was unlikely that the paper conducted the polls in a very scientific way anyway.

On Saturday, I got up early as usual to get the papers. The front page of the Southport Weekly contained more dire news about the state of the economy. I turned to the opinion page and read the following:

The Senate race in the 19th Legislative District is particularly interesting this year. Henry Dilson and Dave Barnstrom, the Republican and Democratic candidates, are experienced politicians, both having served in the State House. They represent the traditional values of their respective parties. Mr. Dilson backs an increase in the gas tax to fund transportation infrastructure. He is concerned that our State needs a strong transportation system to be economically viable. Mr. Barnstrom is most concerned that the State’s services provided to the needy not be cut and he will support increased taxes to insure that major cuts in services don’t happen. Out of the blue comes John Austin, a local, well respected business attorney running as a libertarian. He is giving both of the other candidates fits and surprisingly, Mr. Austin is running well in the polls.

Mr. Austin made mincemeat of the other candidates in the debates held in October. Clearly, his command of the legal system and experience as a business lawyer cannot be matched by the other candidates. He is somewhat of a contradiction because he wants to dismantle large chunks of the bureaucratic system. Lawyers have built the system and feed off of it. But not John Austin. He is the first third party candidate that we have seen who presents a persuasive message. Many people do not totally agree with his message for austere government and we do not entirely agree with all that he has to say. However, maybe it will take candidates like John Austin to enable the State to rid itself of the special interests that seem to dominate the both the legislative and executive branches.

For the first time in the 49 year history of this paper, the editorial staff will not be issuing an endorsement for the State Senate race. Each of the candidates ably represents a different and legitimate point of view. It is your choice.

I was simply shocked after reading the article. It was probably better than an outright endorsement. Endorsements are usually looked at with suspicion anyway. But, the paper's position legitimized my candidacy and put me on equal footing with the other candidates. It represented a significant victory.

In my entire life, I had never had anything come easy. I wasn't a brilliant student and I never felt that difficult concepts came naturally to me like they did with others. I never had a financial angel and except for my wife and kids, never felt like I received a windfall. But several times during the course of this race, I felt like I had received manna from heaven. The first was when two obvious political hacks ran for the major parties without opposition. Neither one had to fight through a primary and sharpen his platform. Both were sitting ducks. The second was the positive coverage from the Southport Weekly beginning with the opening debate and continuing through the interview. The third was the non-endorsement which was really, in effect, an endorsement for me.

I called Mark and he was as surprised as I was. He tried to take credit for my good fortune and then he stated that after the election, we should immediately start work on a campaign for the next available seat in Congress. He added that the fee for his services would be much more expensive for the next campaign. After we concluded the joking, I told him that I was being presented with an historic opportunity and that I was now deadly serious about winning this election. The last days of this election would be crucial. We both concluded that I should continue doing the same things as before since they were obviously working. We wanted to avoid watering down the message and increasing the size of our tent. We would continue to pound away at taxes.

The boys had a football game later that afternoon against a team from Longview. The game started at one o'clock. Football games usually went on throughout the day starting with the rookie league that my boys were in. The leagues with older kids played later in the day ending with the varsity game at night. The boys were in the second round of the playoffs and the competition was getting pretty intense.

The game started out very close. The team from Longview had a big, strong and fast running back, however, and they were very good at running off tackle. The boys played a good game but ended up losing 26 to 17. That ended the season and the boys were very, very glum.

I did not have anything scheduled for the rest of the weekend and I decided to do some door belling. This would have been inconceivable to me only a few weeks ago. But given the closeness of the race, I was now committed to giving it a try. I did a few homes before dinner and few homes afterward.

In Southport, people were generally relaxed and neighborly. I couldn't imagine doing this in Seattle, but here it was fairly easy to knock on a door, introduce myself and ask that I be considered to be their next State Senator. This was a good time to be doing it because an increasing number of voters voted by absentee ballot. The ballots were mailed out about a week ago and many voters were probably starting to pull them out and figuring out how to vote. People were generally receptive when I knocked and listened

politely to what I had to say. A few slammed the door in my face. I kept each visit short except for a few times when I was invited inside for coffee.

I got the sense that I wouldn't be getting much work done during the next week. I had numerous speaking engagements lined up and most nights and next weekend would be spent doing more doorbelling. Yard signs were coming in during the week and I had recruited my kids to help me put them up.

On Monday morning, my alarm went off at 6:00 am. I went into the bathroom and turned on the radio to a news station. It was getting increasingly difficult to get decent news. It seemed like talk radio was taking over and I detest listening to broadcasters' opinions; I would rather hear facts. I was turning into a news junkie because I loved to read newspapers. During a break in the news program, I heard several advertisements for local politicians. As I was shaving, an advertisement for Henry Dilson came on. A deep and impressive voice stated:

Don't be fooled by the libertarian candidate. Do you want your children to have free access to drugs? Do you want prostitutes walking the streets of your town? There is a reason there are no libertarians in the legislature – they represent an extreme view of America. Vote for someone who will protect and enhance your way of life. Vote for Henry Dilson, State Senator for the 19th Legislative District. This has been brought to you by the friends of Henry Dilson.

As I was buttoning my shirt, I heard an advertisement for Dave Barnstrom, in which a woman with a calm and pleasing voice stated:

Dave Barnstrom has spent six years as your Representative to the 19th District bringing you the benefits that you deserve. Dave Barnstrom deserves to be your State Senator. Don't be misled by Dave's opponents. They will cut needed services and destroy the safety net designed to help all of us. This advertisement has been brought to you by the friends of Dave Barnstrom.

I wasn't aware of anyone buying advertisements for me. I guess I didn't have any friends. I went down to the kitchen and made myself some breakfast. Cindy came down a bit later.

"Did you hear Barnstrom's and Dilson's radio advertisements," I asked.

"I heard them," she replied.

"I wonder whether Henry and Dave's campaign budgets financed those radio ads. I think the polls got some attention from the big guns in Olympia. Given how close the legislature has been divided, every vote is golden and they must be worried about this race. It is interesting to see how aggressive the Republican ad was. It went after me directly. They must be panicking."

"What are you going to do?" Cindy asked.

"There is really not much I can do," I replied. The campaign doesn't have any money to fight back with and I doubt whether we could afford it anyway. I will just keep going with business as usual."

We were both quiet for a moment.

"At the beginning, I never felt that I had a chance at winning," I said. "I am not sure why I ran except I thought it would be an interesting late summer diversion. I think this was my version of my midlife crisis. Just think, I could have bought a motorcycle instead. You'd look pretty hot on the back of a big chopper wearing some leather chaps and showing a some cleavage."

Cindy sighed and rolled her eyes.

“But once I started with the debates and speeches, I got into it and began to enjoy the give and take. It is a lot like trying a lawsuit. You do a whole bunch of preparatory work to build a foundation and at the end, you present it all to a judge or jury and hope that they can digest it all and make the right decision.”

“You know,” Cindy stated, “when the time comes for a voter to actually mark a ballot, they may not actually check the box next to your name. They know you aren’t going to play the political game and that you won’t bring home any pork.”

“This community has been making it on its own for over 100 years,” I replied. “All of our tax dollars go to the Central Puget Sound area anyway. The only thing I can offer is to try and cut back on the pork for everyone else and try and keep as many of their hard earned dollars in their own back pockets.”

“Well, I haven’t said this before, but I will not be upset if you lose this election,” she stated. “We haven’t had much time together this summer and I am looking forward to things getting back to normal. I would really not look forward to your commuting to Olympia for several months a year.”

“Speaking of getting together, how about it right now?”

“Get to work. You’ve got mouths to feed.”

I kissed her goodbye and went to work.

Mark stopped in at about 8:00 am. He sat down across from my desk and asked, “have you been listening to the radio?”

“Yes, I have. It’s a tough world out there.”

“It sure as hell is,” Mark said. “I think we should raise some dough and do some ads of our own.”

“I have been thinking about that, but I doubt whether we have the money to do it. I do not want to start asking my friends for money to put on a bunch of advertisements and we probably do not have enough time any way. I have been asking myself whether I am willing to invest my own money in some ads. Come to think of it, that is a good test whether or not to buy something. If you aren’t going to put your own money into it, then don’t do it.”

“No one is going to vote for you if you don’t stop it with the lectures,” Mark replied.

“This community knows me. Notwithstanding all of the lawyer jokes I get, I think I am respected. I would hate to lower myself to the level of the other candidates with a bunch of advertising.”

“Well you seem awfully sanguine about those ads. I am hacked off enough to put up some money to do some of our own.”

“And what would the ads say?”

“They would say that you are going to Olympia to cut taxes and cut the budget, with a meat axe. They would need to capitalize on the fact that you are a different kind of political animal and the attacks show how afraid those guys are about you.”

“Not bad,” I said.

“John,” Mark stated, “you are about to cross the finish line in one of the most important races in this State. Your race probably has national implications as well. You have come this far, let’s put up some dough and do some ads. At least, let’s look into it and figure out how much time and money it takes to put one together.”

Mark kept pounding away and I started to come around.

“Mark, I will tell you what. If you can line up some ads to run by this weekend, I will go half. I’ve got a stash that Cindy doesn’t know about.”

“Sounds like a deal,” Mark replied. “I work on the teeth of a fellow who works of KNTU. I think he can put us in touch with a recording studio. I will go to work on it and get back to you.”

Mark left the office and I tried to get some work done.

At 11:30, I took off to speak at a local women’s bridge club luncheon. They were giving me fifteen minutes to speak after their lunch. I really did not expect very much interest from them, but after my allotted time, they started asking questions. None of them really knew anything about what libertarians stood for and they were quite curious about my philosophy. They were very intelligent and seemed genuinely interested.

They particularly focused on the issue of whether charitable activities could really replace the many of the functions provided by government, including welfare benefits. Many of the women remembered the Depression era when the government did not provide any cash benefits and there was no such thing as unemployment insurance. By the time I left, they were actively discussing among themselves how they had made it through those tough times without government assistance.

I got back in the office and went back to work. I had a stack of telephone messages to respond to and several emails.

I was giving increasing thought that I needed an associate and it wasn’t necessarily premised on winning the election. It would help the quality of my work to have someone bright and capable to provide some peer review and besides, it would be great to have someone to handoff work to while on the way to the golf course.

I worked through the afternoon and at a little after 3:00 pm, Mark called.

“John, we are all lined up with a recording studio in Tacoma. Do you want to do the talking or do you want an artist?”

“What is all this going to cost,” I asked.

We discussed the details on the costs and it was surprisingly affordable.

“What do you think?” I asked in response to his question about who should do the talking.

“I think you should do it. Show those dirty bastards that you do not need a baritone voice actor to deliver your message.”

I paused for a minute and agreed.

“When do we go to Tacoma?” I asked.

“We need to be there by 11:00 am on Wednesday. If things go smoothly, we will have an ad running by Friday.”

“How many seconds will it run for?” I asked.

“Fifteen seconds.”

“Why don’t you come by tonight and we will work on a script,” I stated. “Bring Melissa and we’ll have dinner. Dinner is at 6:30 sharp.”

Mark agreed and we both hung up. I called Cindy and asked her to set two more places for dinner and told her I would need to rely on her advertising acumen afterwards.

I got home at 6:15 and Mark and Melissa showed up right after. Mark and Melissa were like extended family – they had regular spots at the table. After dinner, Melissa and Natalie went up to Natalie’s room to work on their homework and the boys

spread out their homework on the kitchen table. They were going to have struggle by themselves tonight. Mark and I went into the den and began working on a script. We would take the first shot at it and then have Cindy critique it. We tried various approaches and timed them. It was tough, but we worked all of the references to “dirty bastards” out of the text. Our goal was to get a punchy message in a fifteen second window. The thirty second slots were affordable and we would get the most bang for the buck with that length.

When we finished the first draft, Cindy came in to review. She gave us valuable input although her disdain for our creative abilities was a little hard to swallow.

We were trying to figure out how to sway the undecided voters from both major parties and we felt that we had a shot at the members of either major party who, no matter how distasteful their own candidate is, would rather cut off an arm than vote for the other major party candidate. By 10:30 pm, Melissa and Natalie were asleep in Natalie’s room and the boys had fallen asleep long ago. We had developed a script that Cindy, Mark and me could live with, which was as follows:

I am John Austin and I am running for the State Senate in the 19th District. I have seen, up close, how the Legislature works and it isn’t pretty. Votes are traded like commodities. The taxpayers are treated like expendable pawns. I am running for State Senator because I want to change that process. I owe nothing to the special interests. My constituency is you, the individual taxpayer. My goal is to reduce the size of government and reduce your taxes. I am the only candidate that can make this pledge. Please vote for me on Tuesday. This message has been brought to you by the Elect John Austin Campaign.

Mark left for home and we agreed that he would pick me up in the morning to go up to Tacoma to record the advertisement.

The recording session went smoothly and due to our generous campaign contributions, we were able to run spots on a local radio station several times a day and evening on Saturday, Sunday and Monday.

The rest of the week was more speaking engagements crammed in between work. The attack ads by the friends of my Democratic and Republican candidates continued.

On Wednesday, the Aberdeen paper published a poll that showed me holding steady at 20% and, just as importantly, the undecided vote was holding steady as well.

The next few days were crucial because many voters would be filling out their absentee ballots over the weekend. The absentee ballot had become increasingly important in Washington politics. Any registered voter may sign up to receive a written ballot prior to the election so that he or she may vote in the privacy and convenience of their own home. Many voters preferred this approach compared with tramping out to a fire hall or high school before or after work. Approximately one-third of the voters in Pacific County voted by absentee ballot. The absentee ballots were usually mailed out about two weeks prior to an election and had to be filled out and post-marked by Election Day. Due to the time it takes for the post office to handle the mail and because many of the ballots were mailed from distant locations, including foreign countries, many absentee ballots were often not received by the county elections office for several days after the election. Many races in recent years could not be determined until all of the

absentee ballots were counted. The counting process could take as long as two weeks and the wait was often a grueling ordeal for the candidates and their parties.

In the 1990's, it was commonly thought that absentee voters tended to vote conservatively. But due to the popularity of absentee voting and the significant increase in the number of absentee voters, that was no longer true. Trying to speculate on how the absentees would vote was very difficult until the counting process began and trends could be established. Even then, the trends could be difficult to determine.

A final debate among the candidates in the 19th District for the State Senate was scheduled to occur at a Southport Chamber of Commerce dinner meeting on Thursday. Each candidate would be given fifteen minutes to speak after the dinner. Following the presentations, all three candidates would remain to take questions from the audience.

I made several more appearances at local get-togethers on Wednesday afternoon and Thursday was more of the same. I was actually starting to feel some stress about the election. I kept telling myself that I had a great family, a good law practice, a house that was paid for and retirement funds that were conservatively invested. My kid's college educations were funded and Cindy and I would be able to retire in comfort. I could probably retire now if I wanted to, but I wasn't brain dead yet and I knew I would grow to hate golf if I played every day. I did not need to win this election and there was no doubt that my life would be a lot easier and simpler if I did not win.

The way that I reacted to stress was to put more time and energy into the campaign. I was the only cure. Unfortunately, my time around the house started to diminish even more.

So far, I had not received any indication that my candidacy had caused me any business problems. People even seemed to chuckle about the attack ads directed at me. When I was downtown having lunch, coffee or running errands, people would kid me about the attacks. It seemed to me that the attack ads were not being taken seriously.

By Thursday evening, my tension level went up a few more notches. It was the same tension that I used to feel before a trial. I wasn't really worried because I knew that the tension would go away once I started speaking.

The other candidates and I had dinner with the Chamber before the event. We shook hands during the social hour and both Dave and Henry were polite but grim. We were seated at different tables so we didn't have to fake being cordial to each other. Given the fact that their political careers were on the line, I surmised that both were feeling a lot more tension than I was. Both of them were experienced candidates and had been through this process before, however. Neither of them had ever been in a race like this one though. They probably didn't know which way to punch. Mark and I figured that both of them were trying to figure out how to bring their strays into the flock but hadn't yet figured out how to do it.

Following dinner, the President of the Chamber handed out some awards and there were several acceptance speeches. Finally, our part of the evening arrived. The Chamber president gave a short speech and noted that the Chamber had conducted its own poll during the afternoon and evening. The unofficial results were Dilson (R) 28%, Barnstrom 28%, me 25% and 19% undecided. Gasps were heard throughout the audience as he announced the numbers. He noted several times that this was a non-scientific poll. He added that this was the most confusing race that he had ever seen and it was clear that many voters had collectively not settled upon a winner. He added that

the Chamber was a non-profit organization and did not endorse any party. He then invited Henry Dilson to the podium for the first presentation.

Henry spoke about the need for improving the State's transportation infrastructure and how the State government could be made more efficient. He stated that the Republicans could balance the budget by making selective cuts without disenfranchising the most needy. It was the same old stuff. He then went on the offensive and criticized me for having extreme positions that were out of touch with what the voters really wanted. He stated that if given the chance, libertarians would do away with unemployment insurance, workmen's compensation insurance and public assistance and would legalize all sorts of depraved behavior that would lead to the demise of our society. He decried lawlessness and sought order and unity. He concluded that the majority leadership of the Senate was riding on this race and made a plea to all to pray for his victory on Tuesday.

Dave Barnstrom was next and didn't waste any time on attacking me for wanting to dismantle the State. He labeled me an anarchist who was only interested in pocketing substantial legal fees without feeling any obligation towards others. He labeled me a hedonist whose ideas were centered only on self-aggrandizement at the expense of the poor and helpless. It appeared to me that he was not trying to win any committed Republican votes. He was going for the voters who had sided with me and the undecided vote. By the time he was through, I felt like I needed to take a shower.

When it was my turn to speak, my adrenaline was flowing. I had my speech prepared and I was ready to go.

"Ladies and gentlemen, I am glad that I was able to speak last this evening. I would like to clear up a couple of points made by my opponents. I am a libertarian. I believe in the ideals set forth in the Declaration of Independence and in the United States Constitution. The ideals set forth in those documents are that men and women have superior rights to the persons who govern them. In other words, elected officials govern only with the consent of the governed. All rights that were not expressly granted to the government in the Constitution were reserved in the people. That means that the federal government and in turn the State of Washington only have the limited powers that are granted to them by the constitution. Individuals, on the other hand, have unlimited rights, some of which are explicitly enumerated and some of which are not. Individuals may pursue their happiness in any way they see fit as long as they don't hurt someone else using force or fraud."

"Our founding fathers envisioned a system of government that would be financed by minimal taxes. The purpose of those taxes was to fund only essential functions of the State, such as a national defense, a court system and police. Police are needed to keep the peace. The military exists to protect our borders from foreign invaders. Freedom was intended to reign. Our founding fathers were tired of King George from unilaterally and arbitrarily passing laws and taxes. They wanted a voice in the process and they designed a system with limited grants of authority and checks and balances in order to limit the powers of the legislature and executive branch of government."

"Our common law evolved from the British common law and gave us the basis to resolve disputes between private parties based on historical precedent, not statutes. The courts also were granted the power to interpret statutes adopted by our legislatures and

Congress. Government was balanced between three bodies – the executive, the legislature and the courts.”

“The United States was a first time experiment. Never before had a country been formed based on those premises. The system wasn’t perfect and it wasn’t executed perfectly. The federal government and State governments did not originally carry out the ideal that all men are created equally. Slavery was condoned for almost 90 years after the Declaration of Independence was signed. For another 100 years, governments were permitted to adopt laws discriminating against women and persons of color. The words of the Declaration of Independence were obviously not fully understood and appreciated when they were drafted.”

“Our state was formed over 100 years ago by an act of Congress. Our state has its own Constitution that, in many respects, provides greater rights than our federal Constitution. Judges have been interpreting our State Constitution since the State’s inception and we are still arguing about what it means. Some parts of the Constitution have been interpreted very strictly. For example, the Constitution has been interpreted by our State Supreme Court as prohibiting a graduated income tax because income is property that must be taxed uniformly. On the other hand, notwithstanding the fact that our Constitution prohibits gifts of public property to private property, our courts have allowed a State agency to finance and build a baseball stadium which cost over one-third of a billion dollars to be leased to a private party for a paltry sum, giving the State a rate of return on its investment of slightly more than zero percent. That sounds like an unlawful gift to me, but unfortunately, only one judge on the State Supreme Court agrees.”

“Industry has convinced the State legislature to prohibit employees from suing an employer for a workplace injury even if the employer is negligent. In exchange, the employee gets a state mandated payment for his or her injury. Unions petitioned the legislature to adopt laws requiring the State and every city, county, fire district, water district, etcetera, to pay a wage not less than a comparable high level wage, i.e., a union wage. That is called a prevailing wage and hamstring every level of government from having work performed at the most competitive price. Laws were passed making it a crime to smoke a marijuana cigarette or ingest other drugs even while doing so peacefully in the privacy of your own home. As a result, our State and local governments devote countless dollars to tracking down, prosecuting and imprisoning thousands of otherwise peaceful law abiding individuals. The system has driven what would otherwise be peaceful activities underground and to the back alleys where contracts can only be enforced by guns and knives. As a result, our courts are congested because the criminal calendars have first priority on our judges and courtrooms. Our jails are overcrowded to the point where we are running out of room and the costs of incarcerating people are going out of site.”

“Our system as envisioned by the drafters of the Declaration of Independence and federal and State constitutions is not perfect. I desire to make our government realize the ideals set forth in those documents. Our country operated for years without income taxes, drug laws, prevailing wage laws and the like. Many of our laws are good, such as laws that protect individuals from the use of force and fraud, laws that protect our property from trespass and pollution and laws that establish a framework for protecting patents and copyrights. These are laws do not result in transferring someone’s property to

another. Just like it took nearly 100 years for the Emancipation Proclamation to free the slaves and almost another 100 years for the courts to stop State and local government from adopting laws and ordinances which discriminated against people of color, I believe that our country, sooner or later, will evolve to the point where it will again recognize the ideals set forth in the Declaration of Independence and Constitution and repeal the laws which take people's money and property for the sake of redistribution and laws that ban people from engaging in activities that do not harm others."

"Our country was at war with the English for seven years to uphold the ideals set forth in the Declaration of Independence. After the war, General Washington laid down his sword to the Continental Congress. He probably could have been king, but that was not what he fought for. I know this sounds corny, but the ideals of this country and this State are still worth fighting for and that is why I am running for State Senator. The laws that my opponents want to adopt, keep in place and strengthen make us more like Europe every day. European countries evolved from kings and queens. It is a big deal for a European to have a car, let alone a house. Gas taxes are several dollars per gallon. In many European countries, the total burden of taxation approaches or exceeds sixty percent of their gross national income. Who is ruling whom over there? Is it the people or the ruling class? Europeans don't know anything else but an overbearing state."

"Americans have a completely different history, however. We started off with limited government and for many years, this was the wild and untamed western frontier. But over time, government ballooned. Was it really necessary? Has anyone bothered to ask whether it is really right and good for government to do all the activities that it presently undertakes? Libertarians have asked that question and have a much different answer than the Republicans and Democrats. As Americans, we pay nearly 40% of our national income to federal, state and local governments. In the 1960's, during the midst of the cold war when defense expenditures were a significantly higher portion of the federal budget than now, the total take by government was 20%. Are we better off now than before? We are headed toward Europe's sixty percent take. Think about it. Which direction do you want to go? Has the doubling of our tax burden in the last 35 years improved your life?"

"My opponents are apologists for the system. They stand for the status quo. I do not. I stand for limiting the role of government to what was originally intended. That is not mean spirited. On the contrary, it is respectful of the rights to liberty and property of every resident, no matter how rich or poor. Do not automatically assume that if government does not provide a service that no one else will. Americans are the most generous people on earth and markets have a way of filling voids whenever a real need exists."

"Thank you for hearing what I have to say. If you would like your State Senator from the 19th District to apply the ideals of the State and federal constitutions to each piece of legislation to be voted upon, then vote for me. I warn you, however. Applying those ideals will mean a lot of no votes. I am not running for office to sell my vote or to bring home pork. I am running to stop the onslaught of legislation that results in taking our money and reducing our freedom. Thank you again for listening."

I received a standing ovation and took a bow. I glanced at both my opponents. Neither one clapped and neither was smiling. The Chamber President then asked all three

of us to the podium. We fielded questions for about a half hour and then the meeting was over.

Mark came up and shook my hand. He said, “John, that was one of the best speeches I have ever heard. Everyone in the room was riveted. You gave them something to think about.”

Cheri James joined us and shook hands with Mark and I. She gave Mark an interesting look and I had to chuckle.

“Mr. Austin,” she said, “you work the crowd pretty well. If the polls were open right now, I think a good portion of that room would vote for you.”

We talked a little more and then I left for home. I felt like I had just finished a rugby match. When I got home, I was still too wired to go to sleep. I poured myself a glass of wine and pondered what in the hell I would do if I won this election.

I kept reminding myself that it was highly unlikely that I would get even a proportionate share of the undecideds. To win, I would need about half of the remaining undecided votes to get me to the 34% level. Given the fact that I already had 20 to 25% polling for me, which was quite high for a third party, that probably meant that I had already picked up all of the free thinkers and independents out there. If the undecideds were dissatisfied enough with the Republicans or Democrats to risk a vote on a third party, I might have chance.

Working the numbers helped settle me down. When this election is over, I could write a story about how I scared the living hell out of my mainstream major party opponents.

I finally started to get tired so I went to bed. Cindy was sound asleep. Apparently, she wasn't too worried about me winning either.

On Friday morning, I went into the office as usual. I had no speaking engagements lined up for that morning. The telephone started to ring and I went to work. Mark came over at about a quarter to eleven and we walked over to the Kingfisher café for a muffin. I walked in and several people shook my hand and wished me well.

My tension level was starting to build. Based on the polls, the trend indicated that I was narrowing the gap between my opponents. My radio ads would be starting tomorrow and would be running through the weekend and on to Monday. Those ads would not persuade someone to adopt my point of view, but it would let them know that I was serious about this race. If they knew I was serious, then it would give them another reason to vote for me.

Mark was not under any illusions that I would win. He was ecstatic that I was as far up in the polls as I was. He started to mention that in two years, two House of Representative seats in the 19th District would come up for election. He stated that the work done this time would help develop name recognition and set me up well for the next election.

I responded that there was no way I would ever do this again. Campaigning, even at the half speed that I did it, was still a tiring and expensive process. Mark and I had kept the costs of the campaign under control, but the toll on my time was considerable. This campaign had cost me thousands of dollars in lost billable hours.

We finished munching on a couple of whole bran muffins and both of us went back to work. Mark wanted to play golf this afternoon, but I had too much going on. After the election, I would have plenty of time for golf.

I had a speaking engagement at lunch and one more in the late afternoon. I did not have any engagements scheduled for the weekend. I planned on doing some more doorbelling. I drew the limit, however, at standing at busy intersections waiving my yard signs. I just could not bring myself to do that. I guess I wasn't really cut out to be a real politician.

On Saturday, I got up as usual and grabbed the morning papers. The Southport Weekly stated that I was still moving up in the polls, although it had me at 23% rather than the 25% that the Chamber of Commerce had calculated. It also mentioned that we were in for some rough weather due to a low pressure zone coming through. Cheri James had an article about the Chamber dinner and noted that my speech had brought the crowd to its feet.

I spent several hours on Saturday and Sunday walking through neighborhoods in the surrounding towns of Cosmopolis, Raymond, Castle Rock and Long View knocking on doors. People continued to receive me courteously and I only got a few doors slammed in my face. The radio advertisements had started and several people had mentioned them.

Monday was a busy day at the office because work had been piling up. I felt that Mark and I had put the pieces in place and we had made a reasonable effort with the campaign. I felt that there was not much I could do at this point. I chose not to do any more doorbelling. I saw both of my opponents located at different intersections in town waiving their signs and was thankful that I wasn't subject to the kind of pressures they

were. It was a cold, windy and rainy day. The Indian summer had terminated very abruptly and winter was coming.

At lunch time, I stopped by the Southport Weekly and dropped in on Cheri James. I thanked her for the nice article and asked her how she thought the election was going.

She responded, "John, I have covered a lot of elections but this one is truly different. Somehow, you sparked some interest with your small government message. Maybe it's the slow economy that is making that argument work. Maybe people are getting tired of the two party system. I can't explain it. The polls show you gaining and at this point, the race cannot be called because of the large undecided vote. It is clear that the undecided vote will swing the election. The pollsters also indicate that a large number of the undecideds are voting by absentee ballot. You and your opponents may be on pins and needles for a while."

I asked, "So who are you betting on?"

She laughed and said, "this has traditionally been a tough district to call. It votes very independent. This year, I am betting that you will steal more votes from the Republican than from the Democrat. I think Barnstrom will take it.

I thanked her for her time and for her excellent work and left for home. Long ago, I became tired of having to go out during the day or evening to vote and was now a confirmed absentee voter. Cindy and I needed to fill out our ballot forms and I would drop them off at the county tomorrow. After dinner, we filled out the forms after getting the kids to bed. We turned on the early news and sat in front of the television for a while.

My race actually got a short mention on the national news. The news anchor mentioned that this was one of the few races in the country for a State legislative seat that could be taken by a libertarian candidate.

One of the top stories on the local news was the impending storm. What would make the storm worse was that tomorrow's high tide, which would peak in mid morning, was going to be unusually high. Southport was on the edge of a large bay that adjoins the Pacific Ocean. The coastal communities such as Southport could really get hit in the big storms because they were only a few feet above sea level. The weatherman recommended stocking up on flashlight batteries, blankets and drinking water. Tomorrow's storm could be a big one.

When we woke up in the morning, the wind had already started to howl. Cindy decided to drive the kids to school because she did not want them standing out on the street waiting for the bus. I left the house shortly after 8:00 am and drove to the office. Jennifer was already there and had started the coffee.

I was in the midst of reviewing a construction contract when Mark dropped in at about 10:00 am.

"The storm is really picking up," Mark said. "Several of the creeks are flooding. The public works department is starting to block off some of the streets and the schools are letting out early. I am letting my staff go and will be closing early. I have already had several cancellations this morning."

"I am sure they will get hit with your standard cancellation fee you greedy bastard," I responded.

"I think I may let them off the hook this time. I've been having a decent month."

"That is really big of you," I countered. "Hey, I need to drive over to the county to drop off Cindy's and my ballot. Want to join me?"

“Sure,” he said.

I let Jennifer go home and we closed down the office for the day. I called Cindy at home. She was just about to leave to pick up the kids. She said she would pick up Melissa too and I told Mark.

Mark and I hopped in my car and we headed off toward the Pacific County administration offices, which were about five minutes away. The wind had turned into a gale and the gusts must have been more than 50 miles per hour. We saw shingles being blown off roofs and loose debris being blown about. Power lines were down in the alleyway behind downtown and the business strip looked dark. The streets were littered with branches from trees. County crews were out pumping out catch basins and culverts. I had not seen a storm like this in years.

We finally made it to the county offices. I parked the car, ran inside and dropped the ballots off at the auditor’s office. I could have mailed them in, but, I just felt more comfortable in making sure they got there. We decided to see if we could find some coffee. The business strip was closed, but there was a café about one mile out of town on the highway so we headed that way. It was still open so we parked the car and went in.

The place was packed. Several people greeted me and shook my hand. I noticed Henry Dilson sitting in booth with some people who I did not recognize. They looked very grim. Mark and I spotted Rob and Paul and they made room for us at their table. We ordered coffee and ended up ordering lunch as well. Midway through a cup of clam chowder, Henry Dilson came to the table and asked to talk to me.

I got up and we walked over to the back door.

“You are probably going to cost me this election, Austin,” he said. “You have no chance of winning – you are just a fly in the ointment. I hope you are proud of what you have done.”

“Henry, I didn’t run to be a spoiler. There is nothing personal here. I have a different platform than you. I think your party better get used to running against libertarians because I don’t think they are going away.”

Henry was becoming visibly agitated and stated, “Nonsense. In five years, the libertarians will go by the wayside just like every other third party. I have run against communists, socialists and green party candidates. For years, I listened to the socialists say how they were going to take over the world and look where they are now. You are no different.”

“Henry, if you really believe that, then you are sadly mistaken. Is there anything else you want to tell me?” I asked.

“Austin, I know a lot of people in this town. I am going to see to it that you pay a price for what you have done. You better pray that I win this election.”

“Henry, you are talking nonsense. I suggest that you be a little more specific about what you intend to do to me.”

He responded, “If you had any guts, you would have run against me in the primary as a Republican. Your running as a libertarian was just a ploy to avoid the primary. All you are is a spoiler, just like every other third party. You guys are just trying to do the Republican Party in.”

“You couldn’t pay me enough to run as Republican. I ran as a libertarian because I can’t buy in to your milquetoast positions. You guys give liberty a bad name,” I responded.

“Austin, just you watch out,” and Henry Dilson walked away.

I went back to the table to finish my chowder. I was certain that Henry Dilson had not threatened any violence. He was an emotional man who had made a substantial investment in this election. He saw it slipping through his grasp and he was angry. He will get over it. After practicing law for twenty years, I had received my share of threats and this one, like the others, were no big deal.

I remember trying one of my first cases against a very well established and reputable lawyer in Seattle. This fellow walked around the King County Courthouse like he owned the place. He knew the judges. He was pompous and used to winning. His client, the defendant, was an overbearing business man who had breached a contract to supply fuel to my client, a small heating oil distributor. The defendant claimed that his breach was excusable due to events beyond his control, namely a shortage of supply. Through some diligent detective work, we discovered that what in fact happened was the defendant had allocated my client’s fuel to someone else at a higher price.

Opposing counsel either had not known the facts or had not thought that we would discover the real facts. He and his client were completely blind-sided when we called a witness at trial that exposed the scheme. He had never bothered to depose the witness prior to trial. He obviously thought that I was going to be another easy victim.

When the witness started to testify, the attorney tried every maneuver in the book to block the testimony. He pleaded that he was given insufficient notice of the testimony. I replied that the witness had been identified early on in the proceedings, that counsel had plenty of time to take his deposition and that counsel had not submitted any interrogatories inquiring as to the knowledge of the witness.

Enraged, counsel objected at almost every question based on relevance, hearsay and for other groundless reasons. The judge wouldn’t bite and she overruled every objection. The witness’s testimony was devastating.

During a judge’s break during the trial, the defense counsel stated that I had tricked him. He threatened to ruin my reputation and make sure that I never tried another case in this town. I consulted with my superiors at lunch to determine how to deal with the threat. I was hoping that one of them would come back to the courthouse with me to help me deal with this. The founder of my firm, then about 75 years old, told me that the most important thing for me to do at this point was to pull out all of stops and show absolute no mercy toward the defendant. This game had to be played tit for tat. Defense counsel had opened a new door when he made the threat. I had to respond with strength or else I would have trouble with him or his partners the next time around.

After lunch I continued with the witness and his testimony absolutely destroyed the defense. Not being prepared, defense counsel’s attempt at cross-examination was ineffective.

That had been my final witness and I rested my case. The judge then called for the defense to present its case. After a brief consultation between the counsel and client, they confessed judgment for the full amount of the damages prayed for in our complaint.

I then made a motion for the court to assess sanctions against the defense for misleading the court with a false story as set forth in its answer. I argued that their answer had been on file for nearly two years and that the defendant knew it was false when it was initially prepared and filed through the time of trial. I added that the defense

had made no effort to correct the answer and only capitulated when the facts were exposed.

Defense counsel exploded with anger after I made the motion. The judge listened intently and fined defense counsel \$1,000 in sanctions. Judgment was issued to my client for the full amount claimed plus the sanctions and attorney fees incurred by my client. However, the judge went a step further and forwarded the sanctions order to the bar association. The lawyer was issued a reprimand from the Ethics Committee. The story was even carried by the Seattle papers.

Henry Dilson seemed a lot like the pompous defense lawyer. He was not used to losing and was particularly offended by having his agenda upset by an upstart. I was not going to worry about Henry Dilson.

Mark and I finished our lunches and headed back to town. I told him what Henry Dilson had told me and he laughed.

“There is nothing he can do to hurt you. There hasn’t ever been a lawyer in this county that has your skills and integrity. If he spread rumors or something to that effect, it would be so transparent it would end up backfiring.”

“That is my sense too,” I responded.

I dropped Mark off at his office so he could pick up his car and both of us drove over to my house. Cindy was there with the kids. The wind was still blowing and the lights were out. I started up a portable generator that I kept just for those emergencies and hooked up the refrigerator, a few lights and the television. Natalie and Melissa went upstairs to study together and the boys hung around and played some checkers. The game lasted about ten minutes before it evolved into an argument over the rules. We listened to the radio, chatted and drank a glass or two of wine. The gas was still on so Cindy started making some food around 5:30. The winds were still pretty strong but not as gusty. The radio reported of flooding up and down the Washington coast with Aberdeen and Hoquiam taking the worst of it. There were also widespread power outages. Only die-hard believers in democracy were going to get out to vote today. We all ate dinner together and Mark told ghost stories to the kids. He looked extremely hurt when they merely laughed.

At 8:00 pm, we turned on the television to get the election returns. The storm had hit Western Washington pretty hard, so the returns were slow in coming in. By 9:00 pm, the first returns came in from Pacific County. We all held our breath. With 13% of the vote counted, the vote in District 19 for the State Senate looked like this:

Dave Barnstrom (D)	35.8%	1,596
Henry Dilson (R)	32.7%	1,373
John Austin (L)	31.5%	1,325

Statewide voting trends showed that a transportation gas tax initiative that had been supported by business interests and the leadership of both major parties was being resoundly defeated and an initiative to roll back the cost of annual automobile license fees was winning broadly. Democrats were doing very well in some traditionally Republican parts of the State.

As the evening wore on, the State Senate race in the 19th District tightened. It was clear that the victor would not be known until the absentee ballots were fully counted. By midnight, with 55% of the vote counted, the figures looked like this:

Dave Barnstrom (D)	34.1%	6,429
Henry Dilson (R)	33 %	6,237
John Austin (L)	32.9%	6,201

Only a little more than 200 votes separated me from Dave Barnstrom. Mark was ecstatic. I was in a state of disbelief. Cindy did not seem happy at all, although she tried to fake it.

The elections staff at Pacific County had to count many ballots by hand under the light of lanterns. The storm had significantly affected both the turn-out and the speed in which the votes were counted.

Only about one-half of the absentee ballots had been returned by Election Day. Mark and I roughly calculated that about 4000 absentee ballots remained outstanding. They would come dribbling in over the next several days. As long as they contained a November 5 or earlier post mark, they were eligible.

We decided to go to bed at 12:30 pm. Mark slept on the couch.

The storm had blown itself out during the night. By Wednesday morning, the repair process had begun. Power to the major parts of the county had been restored so most government and school operations had resumed. Damages to property would be in the millions of dollars.

The storm produced one of the lowest election turnouts in the history of 19th District. The total number of votes, including the absentees, was expected to be approximately 34,000, which was about eighty percent of the usual number of votes. About one-quarter of the votes were by absentee ballot.

Due to the closeness of the election, the election's staff could not declare a winner until nearly all of the absentee ballots were counted

I had put myself in a frame of mind to expect losing, but the figures showed an extremely tight race. Given the fact that there had been so little history with third party candidates, it was difficult to estimate how the late absentees would go. I did not want to get my hopes up and there was a part of me that was looking forward to having my life revert to normalcy. The absentees would make the determination. There was nothing I could do except be patient and wait. The best thing I could do at this point was to get some work done. So I went to work and buried myself in some projects.

At about 3:00 pm, Mark wandered over to my office.

"Oh what I would give to have the life of a dentist," I said. "You could probably retire just off the income provided by your technician. All you have to do is show up a few minutes, poke around in someone's mouth and your done. What a life."

Mark smirked and said, "You lawyers have it the best. You guys control the Legislature, you pass all the laws to benefit yourselves, and all you have to do is sit around and talk on the phone all day."

"Let's hop over to the county to see how the absentees are going," Mark said.

"Mark, there is no way that I am going to win. Don't be getting your hopes up."

"I'm not," Mark responded. "I've already written you off. I just want to see how close you might come."

I had just finished drafting a letter. I printed it off, read it and then had Jennifer proof it. I signed it, gave it to Jennifer to mail and Mark and I drove over to the county administration building.

We went in to the auditor's office and spoke with the elections clerk. He said today's results would be announced at 4:00 pm. Mark and I sat down in the waiting room. Cheri James came in a few minutes later and we all chatted. Cheri even smiled at Mark. That was bad, because now Mark would be talking about Cheri for the next month. A few more people wandered in and I figured them to be reporters for the newspapers and other news organizations. A few minutes later, Henry Dilson and Dave Barnstrom also walked in. The other races in the 19th District had been resolved. Only the State senate race remained.

At a little after 4:00 pm, the elections clerk came out and read the following statement:

As of 3:30 today, the elections office has counted 4,314 absentee ballots. We have 3,245 uncounted absentee ballots and we expect approximately

another 700 more to be coming in throughout the week. As of 3:30 pm, the vote count for the State Senate position in the 19th District is as follows:

Dave Barnstrom (D)	33.72 %	9,802
Henry Dilson (R)	33.14 %	9,636
John Austin (L)	33.14 %	9,634

Several people drew in their breaths as they heard the figures. The race had continued to narrow. It was now a dead heat and the trend, although faint, favored me. Henry Dilson and Dave Barnstrom did not look happy at all.

A reporter with a tape recorder came over to me and asked me for an interview. I was still trying to sort out the information and my thoughts and told her I would be happy to talk with her at some other time when I had something coherent to say. She then approached Henry Dilson and Mark and I left the room.

As we were walking back to the car, Mark said, "Maybe I should've been nicer to you."

I responded, "You're damn right. After I am elected, I am going to pass a law which requires all dentists to specifically account for their time to all patients and charge a reasonable hourly rate."

"You may be our next State Senator," Mark stated in wonderment. "I frankly never thought that you would actually have a chance. I just thought it would be fun to shake up those two political hacks running for the seat. I wonder how long it will take for you to get censured or something. What do they do to disrespectful Senators?"

"I think they put them in time out," I responded.

We drove back to the office and didn't say much. I was starting to feel some serious buyer's remorse. What would I tell my clients when I was gone for two or three months at a time? How would Cindy react to a drop in income for those months? The small salary paid by the State would hardly replace my billings. Who would cannibalize my best clients when I wasn't available? How would I hold up commuting an hour each way to and from Olympia each day during the session?

Mark and I said goodbye and I went into the office. Jennifer was just cleaning up and getting ready to go home. I told her about the status of the race and she jumped up and down with excitement.

"If I really pull this thing out, do you think you can hold the fort down for a few months?" I asked.

"You bet," she responded. "I have already been figuring this out. I will scan and forward you emails to you over your laptop. I will shift my hours to work a few nights. You can dictate letters to me over the phone or send me emails. We will get it done and the clients will hardly know you are gone."

"I wish it were that easy," I said. "We may need to consider hiring an associate. We could put him or her in the spare office. Do you think you could handle working for another body?"

"Let me participate in the interview process and I will," she responded.

I went home and broke the news to Cindy. She didn't react at first, but after a few minutes, she declared, "I am glad that you are giving those s.o.b.'s a good run. If you

make it, we will figure it out. But, don't even think about cutting back my monthly stipend."

"Yes dear," I responded. "I may need to rent an apartment in Olympia in which case I would probably need to take a mistress. It's a political thing you know."

"If you need to spend an occasional night there, get a hotel. And I do not need to tell you what you can do with your sense of humor."

I gave her a big hug, sucked in my gut, grimaced, and told her I loved her. She kept working and feigned to ignore me.

"I don't think I have heard those words out of you for several years" she stated.

"It's my stiff Irish upbringing. I do the best with the tools that I have. And you aren't exactly emotionally effusive yourself you know. I never hear you say it."

"Well, it probably has something to do with you. I never know when you are making a joke," she stated.

"I know, I never seem to know when I am going too far," I stated.

"If you actually get elected, you better learn to watch your tongue. You are going to be playing in the same sandbox as some big boys. They probably aren't used to being teased. You never know when you might start a real fight."

Cindy continued with dinner and I helped the boys with their homework afterward.

Thursday went about the same way. Mark came over at 3:30 pm and we hopped in my car and drove over to the county. The usual crowd of reporters was there along with the candidates. Cheri and Mark were actually conversing in a relaxed and normal manner, which was a really interesting sign.

At 4:00, the elections officer announced the new figures and the trend held. I was now only 104 votes behind Dave Barnstrom and had broken ahead of Henry Dilson by 42 votes. The elections officer stated that the flow of absentee ballots was slowing down significantly. He expected that post office deliveries of absentee ballots should be nearly over by Saturday.

The reporters swarmed around me again and I felt like I better say something this time.

"Mr. Austin, how does it feel to be closing in on the lead?" A young woman from a television station in Aberdeen asked.

"I am frankly shocked," I responded. "I wish I could explain the details of the voting patterns to you and wrap this up with a neat little bow, but I am just as puzzled as probably most of you are. As you may know, my dentist, Mark Dilbert, is my campaign manager and we put together this campaign during our coffee breaks and after dinner. Our goal was to simply offer something different to the voters. We were tired of hearing the same old thing from the candidates and I guess many of the voters felt the same way. I suppose that once the dust settles, there will be political analysts who will be able to explain what has happened. There are still ballots to be counted and there will most certainly be a mandatory recount. No one is in a position to declare victory. We will just have to wait and see."

I took a few more questions and then the crowd disbursed.

On Friday, I began to let myself think about what it would be like if I won the race. Holding the office of a State Senator would not be like holding a federal office.

The State's legislature was still a citizens' legislature like the founding fathers contemplated. It was too bad that Congress didn't abide by the same program.

Mark again came over at 3:30 pm and we hopped in my car and drove over to the County. This time, there were about fifty people crammed into the same waiting room and television cameras from several television stations were set up.

At a few minutes after 4:00 pm, the elections officer came out. He noted that less than 400 ballots came in today's mail and he read the results. I was now in the lead by 19 votes. Dave Barnstrom was next and Henry Dilson trailed me by 126 votes. For whatever reason, the absentee ballots continued to swing my way. Maybe the weekend advertisements had an impact on those who waited to the last minute to mail in their ballots.

I let the figures sink in for a moment and then several microphones were being shoved in my face. Questions were coming at me at once from several reporters. I told the reporters that I would be pleased to answer their questions if they just slowed down and gave me a chance to answer the questions one by one. I stated that given the closeness of the vote, it would be premature to draw any conclusions until the vote was certified. Secondly, it was inevitable that the vote would be challenged by the losing parties and there would be a recount. I was asked to speculate on the effect of the storm and why the last group of absentee ballots was favoring me. I declined to offer an opinion and I stated that I would withhold further comment on the vote count until the vote was legally final and binding.

Mark and I left and we started discussing what would happen when the regular session began in about two months. Mark wanted me to start introducing bills right away. I wanted to get the lay of the land first. The State budget was obviously going to dominate the session. The big question in my mind was whether, assuming I got elected, to focus my efforts on the budget or to work on legislation.

The next week went smoothly. The Pacific County Elections officer certified the vote on Thursday of the next week with the final figures showing that I was leading Dave Barnstrom by 67 votes and Henry Dilson by 201 votes.

The inevitable recounts were ordered and were conducted over the weekend. The final figures did not change and by mid November, the county provided final figures to the Secretary of State. I did not receive any congratulatory telephone calls or notes from my opponents.

It was now official. Washington had its first libertarian Senator in the Legislature. What made the election even more significant was that the Senate was split right down the middle with the Republicans and Democrats each holding 24 seats and with me the balance with one seat. The State House of Representatives was also equally split with the Democrats and the Republicans each holding 49 seats. The Governorship was not up for election this time and would continue to be held by a mainstream Democrat.

Statewide, the Republicans had fared poorly in this election. The State electorate had voted down the transportation initiative which would have imposed a gas tax increase and voted in a reduction in the annual tax on automobile license tabs. The Republicans had been on the wrong side of each measure, but so had the Democrats. The message was clear that the electorate did not trust the government with additional taxes. The voters acted directly to reduce some taxes, but on the other hand, it voted out several Republicans in traditionally conservative voting areas.

The Southport Weekly analyzed the voting patterns of the 19th District and concluded that the Election Day storm probably kept a couple of thousand voters home on Election Day. Voter turnout was one of the lowest in recent history. The paper concluded that Southport, where my name recognition was highest, had the greatest number of absentee ballots. Without the storm, I probably would not have won. The absentee ballots had carried me to victory.

It was clear that I did not have a mandate from the voters. In fact, I was voted in with the barest of pluralities, but that didn't matter. I made it clear during my campaign that I was going to vote my conscience on every vote and that is what I would do.

The article also stated that, unlike other elections in which libertarian candidates ran, I took votes from the Democratic candidate. In the past, Libertarian candidates were harshly criticized for denying Republican candidates a victory. That was certainly the case during the year 2000 election for the U.S. Senate. In that race, an inexperienced Democrat prevailed over a well established Republican incumbent. The margin of victory was the amount of Republican votes that went to the libertarian candidate.

My race was different, however, and it appeared that the undecideds remained uncommitted until the very end and then I got a disproportionate share of them. The paper speculated that my positions on taxes and limited government attracted moderate Republicans and my position on the war on drugs, victimless crime and the like were sufficient to attract a portion of the Democratic vote.

For the remainder of the month of November and well into December, I worked on trying to clear up my workload and prepare my clients for approximately three and one-half months of limited availability. I would still carry on my practice during the session but major projects would have to wait – I simply would not have the time to devote to them. Given the fact that I was not part of the Republican or Democratic clubs, there was little chance that I would be working on much legislation and I certainly would not be invited to caucus with the other parties. I planned on initially keeping a low profile and learn about the legislative process as an insider.

There was too little time to hire an associate so Jennifer and I worked out a plan to communicate and try to keep work flowing and the clients happy. We would talk on the phone every morning and evening while I was driving to and from Olympia and then, if necessary, again at lunch. She would organize my work for me and email me important documents to review. I would have my laptop computer at all times. State law would prohibit me from working on my own cases while on State premises or otherwise using State facilities. I had a wireless modem for my computer that could keep me in touch from almost anywhere. I could pound out documents or emails and transmit them back to her or directly to clients while sitting at park bench if I had to. I even thought about hiring someone to drive me back and forth between home and Olympia so I could work while in transit, but I wasn't quite ready to take that step yet. Fortunately, I did not have any litigation pending. The session was scheduled for 105 days and there was no doubt that it would be grueling. Hopefully, a special session would not be necessary.

The State's budget crisis was continuing to dominate local politics. The economy had bottomed but there were no signs of recovery. Unemployment was holding steady at just over seven percent but there was no job growth. The State's economist was predicting that tax State and local tax receipts would not recover for a few years and even then, the recovery would be slow. The State was still facing a two billion shortfall in revenues during the next two-year budget cycle.

I had been reading some very interesting investment articles that had concluded that this recession was not the usual scenario that resulted from an over-accumulation of inventory by businesses. All that those kinds of recessions required was a little bit of time for the businesses to pare down their inventories so they could start to build them again. The paring down process was painful and usually resulted in job losses, but usually did not last more than a year or two.

This time, the recession had officially ended long ago, but what little growth we had experienced was derived from further efficiencies in productivity. In other words, job cuts had continued even after the economy had started to recover. But the recovery didn't feel like a recovery. Businesses continued to pare costs any way they could. Lay-off announcements seemed to be never ending. There was no job growth to speak of.

The investment markets were no longer tolerating losses and corporations were under intense pressure to either show some earnings if they had been running losses or to grow their earnings. In this low growth environment, the only way that corporations could generate profits was to cut expenses. Unions were taking it on the chin, especially in manufacturing. The downward pressure on wage rates was intense. China was opening to more commerce and was competing for manufacturing work. If a corporation

needed software support services, it could go directly to India and contract directly with businesses that could perform quality service for significantly less than a U.S. or European business. Corporations were now routinely shifting the cost of health care and other benefits to their employees and retirees. Business was brutal. One puzzling thing was that consumers had continued to spend during this time, probably by pulling equity out of their homes.

Some people were thinking that the pressures to reduce costs would subsist once the economy started to grow again. I was not so sure. The party that we had in the 1990's had been exposed as an unsustainable bubble. Investors were now very cautious. Corporations needed to produce real earnings, and what's more, if the cost of their products was too high, there was some other business in the world ready to pounce. Governments could pass all the laws in the world to try and ameliorate the effects of this, but it was like trying to overcome the laws of gravity. Laws could not overcome worldwide economic forces.

Costs were being wrung out of the economy that would never be incurred again. If you wanted to take a trip, you could go onto the Internet and book direct. If you wanted to buy a book, a cd, a computer, same thing. Pretty soon, these forces would probably turn to cars, stocks and bonds and real estate. These issues had all the same answer. Middlemen were being cut out of the equation. Anyone could turn on their computer, do a quick search and find the best deal. The process was feeding on itself and consumers were demanding more and more value for their money. Between consumers' demand for value and the necessity of corporations to produce real profits, this economic environment was not likely to change soon.

The big question in my mind was when would the same pressures that applied to business start affecting government? In other words, when are the voters going to get tired of paying federal, state and local governments forty percent of their income for governmental services? The fact that I had been elected was an indication that the voters in my area were getting tired of paying governments' bill. Economic circumstances made it reasonably feasible to cut the State's budget this year. Given the legal constraints on the State to run a deficit and the voters' distaste for tax increases, something had to give and it was likely to be on the spending side of the ledger. However, there was a larger structural issue.

Once the economy started to recover, tax revenues would increase and the inevitable forces would emerge to fill the void and demand more spending. Just like the economy was forcing structural changes resulting in permanent expense reductions in private industry, my job was to force the same thing in the State's government. My real work would begin in a few years when the economy started to turn upward to ensure that the spending reductions forced upon the State by the recession were permanent. I could plant the seeds for that battle now. I doubted whether I could win it in the long run by myself, however. I would need some allies.

My plan for the first session was to do my best to influence overall budget reductions and secondly, build some alliances. I wouldn't be able to do anything by myself except be the swing vote where the major parties were opposing each other. My term was for four years so there would plenty of time in future sessions to develop partners. I did not expect to be included in any activities or caucuses sponsored by the major parties. I would simply go it alone and do the best I could.

I wasn't sure how the committee system would work with the Senate being evenly split. The majority party selected the committee chairs. The chairs were very powerful because they held the final word on whether a bill could be passed out of committee to make its way out to the full floor. In past years where the State House had been equally divided, each party appointed a co-chair to each committee. When that occurred, a bill would not make it out of committee unless both co-chairs approved it. I guessed that the Senate would follow that structure for this session.

The Governor started working on the budget during the month of December. He openly addressed the legislators in the press with a plea for a bipartisan effort to solve the budget crisis. He asked all of the State agencies to prioritize their functions among high, medium and lowest and to identify the portions that represented the lowest priority. If he were to cut across the board, then, based on projected revenue sources from existing taxes, each agency would be required to cut back by approximately 15% to balance the budget. He noted that the cuts were unlikely to be evenly distributed. Some agencies would fair worse than others.

Unlike the federal government, the State of Washington was precluded by law from running a budget deficit. The Governor had no choice but to implement budget cuts unless new revenue sources could be found.

The Governor was anxious to have some successes. Pundits of all different viewpoints were openly questioning his leadership capabilities. Budget hawks were taking delight in the fact that a Democratic Governor would have to preside over cutting back the agencies. Progressives were extremely concerned that social services would be cut and they vowed not to let it happen. Conservatives were equally concerned that infrastructure projects would be cut back. And nearly everyone was concerned about the possibility that educational expenditures would be cut. The Governor was between a rock and a hard place and he knew it.

The Governor would take the first shot at preparing a budget for the biennium and it would be the primary order of business for the House and Senate. The budget would surely dominate the session and it was an open question whether anything else would get done. This was in part because, even without the budget problem, the government was divided. The Governorship was controlled by a Democrat, but he had no voting power with respect to the adoption of legislation. The House of Representatives was equally divided between Democrats and Republicans at 49 each. The Senate divided as well with 24 Republicans, 24 Democrats and me, the swing vote. The Lieutenant Governor presided over the Senate. He had the ability to break ties on all matters except the final passage of a bill.

As we moved into late December, I spent a lot of my spare time reading about the State budget. I wanted to be as well informed as I possibly could about the State's finances. Still, I wouldn't have even a tenth of the knowledge of that of the Governor's staff and long time legislators sitting on the financial committees.

It started getting cold and soon the kids got out of school for winter break. We didn't get much snow out on the coast, but the weather got pretty blustery. The kids spent a lot of time inside and they were all playing basketball. I had set up an indoor basketball hoop in our rec room, which meant that somebody was bouncing a ball at every hour of the day. The kids played horse, 21, bump and one-on-one. The one-on-one games were pretty entertaining, but only for about the first five minutes. After that, the elbows would start to fly and someone inevitably would get slammed to the floor. Cindy and I spent most our Saturday afternoons at basketball games.

Somehow, Cindy and I managed to get through Christmas. Along with her birthday, it was the most stressful time of year for me. I would rather walk into a courtroom facing a cranky judge, having filed a late brief and being on the wrong side of

a case than face having to buy a present for my wife. It wasn't that I didn't like buying presents. Well, I take that back. Present buying just wasn't in my family history and it didn't come naturally. I was raised with the thought that your day-to-day actions were the most important thing and presents were more of an afterthought. On the other hand, my wife came from a background where presents were very important and she spent hours trying to find the right thing for someone. Unfortunately, given my Scottish heritage, I had zero judgment in buying the appropriate thing and had suffered significantly on several occasions as a result.

One year, I got fed up with buying the wrong thing so I put some cash in an envelope that I was going to give to Cindy on Christmas morning. I inadvertently left the envelope on our dresser on the morning before. It didn't help that the envelope was from the office and that I had scrawled her name across front and didn't put a card inside. When she found the envelope later that morning, she thought that I had intentionally left it for her as her present. For some reason, it didn't go over too well. I received a telephone call at about 10:00 am that went something like this:

"Is this your idea of a joke?" she snarled.

"What do you mean sweetie," I responded.

At that point, I did not know what I did wrong, but the sweat was already starting to break out on my forehead.

"I found your present," she said in a menacing tone.

I searched my pocket – no envelope.

"Oh, do you mean the envelope? I meant to give it to .."

"Who do you think I am? A call girl?" She cut in.

"I can't believe that you left me an envelope with cash on my dresser! Is this for services rendered?"

I thought about making a joke because some of the services that she provided weren't half bad, but my instinct for self preservation prevailed.

"Uh, sweetie, I didn't know what to get .."

"Did I say you could talk? You be quiet you big schmuck! You really make me mad! You can talk when I say you can. This is the worst present that I have ever had. You do not know how to treat people, let alone a woman and particularly your wife. Is this is the thanks I get for all that I do?"

"No, sweetie, you are.."

"I did not say that you could talk!"

The conversation continued in that vein until she was through with me. Dinner that night was a little tense. Things settled down a few weeks later though.

Jennifer and I had Christmas figured out though. We had our usual conversation at about 1:00 pm on Christmas Eve.

"John, you know Christmas is tomorrow," she stated.

"Oh yeah."

"I am getting a Christmas bonus this year?" she asked.

"Yeah, sure."

"Would you like me to write a check?" she stated.

"Yeah, how much did I give you last year?"

"A thousand."

"No way!"

She just stared at me.
“Ok. How about twelve hundred?” I asked.
“Fine.”
“Thanks for your help. You do good work. That was your official annual review.
Write it up for me, will you.”
“Will do.”

On the second Monday in January, I showed up in Olympia for the first day of the session. There was a swearing in ceremony followed by speech from the Governor.

The Senate first dealt with organizing itself and dealing with committee appointments and chairmanships. I was appointed to the Technology and Commerce Committee, which was one of the least popular and I was given a seat on the Republican side of the aisle on the floor of the Senate, but only because there were no middle seats.

Commuting to and from Olympia was a chore but workable. The drive was approximately one hour each way and traffic usually moved pretty well because Southport was located in the opposite direction from the more populated areas. I set up a hands free system on my cell phone, which worked well. Jennifer did an excellent job of relaying messages and we often spent the first part of each commute talking about tasks. After Jennifer and I finished, I usually made a few calls to clients before rolling in to Olympia. My laptop computer with the wireless modem proved effective. Browsing the Internet was a little slow on the wireless modem, but reading and responding to emails was a snap. I often spent my lunch hours sitting in my car drafting documents and responding to emails. My ride home was usually spent on the telephone returning calls. It was a little scary, but I seemed to make the final turn into the driveway at home every night without really knowing how I got there. There must be some internal mechanism that kept me out the ditch because there were many nights that I simply could not remember any of the drive home because I had been so involved in conversation.

I also got a fair amount of work done in the evenings and early mornings. My clients seemed to be putting up with the inconvenience of not being able to reach me at will as long as I got back to them by the end of the day. Several of my clients kept abreast of the legislature and were always ready for a first hand account of the day's activities in Olympia.

The first two weeks were uneventful. I was learning the system and made some acquaintances. I knew a few of the legislators from my days in Seattle. A couple of the Senators introduced themselves. I was as an outsider and, frankly, I did not expect to be welcomed. I didn't come to Olympia to make friends.

I spent much of my time attending committee meetings and reading draft bills. The committee was briefed on new bills that were in the mill regarding technology and commerce. I reviewed other bills on my own time and they covered the map. They included several new tax proposals that were sponsored by the teachers union and a consortium of businesses that were pushing transportation infrastructure improvements. Conservative interests were circulating bills to limit the powers of State agencies to hire lobbyists, to raise park use fees and raise fares on State ferries. Municipal interests were sponsoring bills to allow cities and counties to increase taxes because they had been hit hard by the recession.

During the second week of the session, the Governor presented a proposed budget for the next biennium. The State's finances were based on a two year budget cycle that started on July 1 of every odd year and ended on June 30 two years later. The Governor's draft budget appeared, on the face of it, to be balanced although it relied upon a small increase in the State's sales tax. It was also dependent upon numerous gimmicks and some very optimistic revenue projections. The gimmicks included allocating funds

from a loan fund established for municipal utility systems, issuing bonds based on a stream of revenues to be received in future years from a tobacco company settlement and deferring various expenses into future bienniums. The budget involved only a few real cursory cuts. Budgeted expenditures for the biennium were increasing in real terms by approximately two percent over the budget for the previous biennium. Because that amount was a reduction in the rate of growth of the budget and was less than the rate of inflation, many people viewed the budget as containing draconian cuts.

After taking some time to analyze the budget, I came to the conclusion that it was a held together by safety pins and paper clips and I felt the proposed tax increase was totally unworkable. The budget borrowed from Peter to pay Sam. The Governor should be honest with the citizens and tell them the truth, which was that we simply could not afford the present level of government. The only honest thing to do was to cut expenses.

On Wednesday of the second week of the session, I got a call from the Governor's personal secretary. He inquired whether I might be available to meet with the Governor and his staff on Friday at 2:00 pm to discuss the budget. My initial reaction was why would the Governor be calling me at such an early stage in the proceedings. Apart from my swing vote status, I was just a first year legislator sitting on an unimportant committee representing a relatively uninhabited part of the State. Wouldn't he first take a run at the Republicans and try to bypass dealing with me, an obvious outcast and loose cannon? I did not feel like a big shot. Rather, I felt like I was just an ordinary fellow thrown right into the middle of what was likely to become a bruising fight.

It wasn't hard to figure out where I stood among the legislators. As far as I could tell, the major parties were committed to the status quo in way or another. I had heard some Republicans describe themselves as libertarians, but in reality, they weren't even close. Republicans sometimes paid homage to the Constitution but they certainly weren't above subsidizing their favorite causes with taxpayer funds and I never met a Republican who would actually admit to legalizing gambling and abolishing most of the major State agencies. Those things were hardly consistent with the average Republican image.

It seemed to me that the Democrats should have a libertarian wing given the party roots in classical liberal thought. Liberalization used to mean the relaxation of rules, but the Democrats hardly stood for that these days. In many ways, they were as grim as the Republicans – just talk to one about the redistribution of income through taxation and all warmth and friendliness would be quickly replaced by the fervor of a former alcoholic preaching abstinence from spirits.

It didn't take long for a couple of Senators and Representatives from the House to seek me out. They were closet rebels within their parties and two of them were actually Democrats. We began having lunch together a few times a week and had some lively discussions and a pretty good time.

My friends were James Dill, a Democratic member of the House from Wenatchee, Tom Bush, a Republican House member from Bellingham, Barney Doyle, a Republican Senator from Bellevue and Ryan Garvey, a Democratic Senator from Issaquah. They were good guys and while we did not agree on a lot of things, they appeared to enjoy listening to my positions. They lamented about the strings attached to being a member of a major party. They did not have the luxury of taking positions that were contrary to party doctrine.

It must be every politician's secret desire to stand up for what they feel is right and vote his or her conscience. My politician friends were extremely jealous of the fact that I did not have to account to anyone. If any one of them dared to vote in a manner contrary to what their party leadership wanted, then, depending on the significance of the matter, none of their legislation would get anywhere, and in the worst scenario, would lose all support at the next election. The major political parties made it very difficult for their members to vote independently. If they wanted to retain their party's support, they had to play ball.

Whenever we got together for lunch, we ate at a small café in downtown Olympia just a short walk from the legislative campus. It was a favorite hangout for the media and lobbyists. There was an unwritten rule that legislators were not to be bothered during their lunch, so we were left alone.

The Senate had its own cafeteria and French chef. The food was exquisite and cheap. Too cheap, in fact, and access was restricted. The cafeteria was heavily subsidized by the State and represented the worst element of political life – that of privilege. I saw no reason for the State to operate a cafeteria, let alone a very expensive one, particularly during times of a budget crisis. I refused to eat in the cafeteria. One day I would sponsor a rule or a bill to terminate it.

On Thursday, we were having lunch when I mentioned tomorrow's meeting with the Governor and his staff. Barney Doyle, who had been in the Senate for over twenty years, remarked, "the Governor doesn't normally meet with individual legislators. He doesn't want to show favoritism."

James Dill stated, "It isn't like the Governor could invite over the libertarian caucus."

"I think it shows a significant amount of concern," Ryan Garvey stated. "The Governor probably doesn't know what to think of John. He knows he is going to have a problem in the Senate and he wants to confront his biggest unknown. He doesn't know John and probably wants to feel him out."

"But he has to worry about the Republican side of the aisle," I stated. "Why wouldn't he tackle them first and look for a weak link?"

Barney stepped in, "He certainly knows that you are going to be a loose cannon on deck. Anyone who looks at your campaign record could figure that out. He has already started the bargaining process with the Republican leadership of both houses. One way or another, he has to come to terms with the Republicans. He may be trying to figure out whether he needs one or two Republicans to jump ship in the Senate. His biggest fear may be that if John takes a tough line, it will embolden the Republicans. If that happens, he won't get John's vote or the Republican votes and the bill will fail. John just might be the Governor's worst nightmare. He needs to find out if you will play ball with him and, more importantly, whether you will act as a lightning rod for the Republicans. Tomorrow's meeting will be an assessment."

Tom Bush, who was a first year Representative, asked, "So how tough are you going to be John?"

"I don't know enough yet to answer that question," I responded. "I am going to listen and try not to tip my hand. I want to hang onto whatever leverage I have. If the Governor thinks I am a hard-core fanatic, then he won't bother trying to deal with me."

Also, I will only have the swing vote as long as one Republican doesn't jump ship to support the budget bill. Once one of them they caves in, it will be over."

It was quiet for a moment and then Barney said, "John, you need to think about ways to protect yourself. The Governor might publish the fact of your meeting with the hope that that will spur the Republicans to join in – after all, they aren't going to want to be left out if there is a deal to be made. Once the Republicans join in, the Governor will have no further use for you. You might end up being thoroughly used and abused by everyone."

"I appreciate the advice. My self-preservation instincts in this arena are pretty unrefined. However, keep in mind that I have no intention of being a career politician. I am here by a stroke of luck and I am not even thinking about running again. In four years, my daughter will be applying for college and my two boys will be in high school. One term will be enough."

Barney chuckled and said, "I have heard that before. John, after a year or two, you just may find that you start to like it here. And, as long as you do not totally alienate yourself, you will probably find that the demand for your legal services will increase."

We concluded our lunch and I promised to let them know how tomorrow's meeting went.

The remainder of Thursday afternoon was spent in committee hearings. I met several of the lobbyists that I used to work with when I was in Seattle. It was very interesting being on the other side of the table. My former colleagues were deferential to my status, but I was like a pitcher who has just come up from the minor leagues about to start his first game in the majors. No one had seen my pitches and the scouts didn't have enough time to figure out my strengths and weaknesses. I had several conversations in which I explained the positions that I took in my campaign. They listened politely, but I could tell they were trying to assess whether I could help them or hurt them.

One of the principal reasons that legislators acquired enough influence to make lobbyists act respectful and actually listen to what they were saying is that both federal and State courts had become very deferential to legislative powers. Courts were generally loathe to declare a statute void unless constitutional rights were involved, and some constitutional rights were more powerful than others. Legislators had very limited powers to affect First Amendment rights, for example, because that was one area where the courts had allowed little encroachment. On the other hand, legislation creating or raising taxes, granting subsidies, granting monopolies, regulating commerce and the like was virtually unchallengeable. The deference provided by the courts over the years resulted in a huge shift of power to the Legislature.

On Friday, the Senate usually broke early in the afternoon. At a quarter to two, I headed over to the Capitol Building where the Governor's office was located. I got there shortly before two o'clock and was greeted by a receptionist who asked me to sit down for a minute. A guard checked me for weapons. A few minutes later, an aid to the Governor came in and ushered me back to the Governor's office. The office was quite large and contained a conference table and chairs at one end. Several men and women besides the Governor were busy talking to each other as I walked in.

The Governor was a pleasant fellow a few years younger than myself. He had attended Harvard University for both his undergraduate and law degrees. He had never practiced law, however. He had worked his way up through the political system starting out as State Representative and then Senator. Prior to becoming Governor, he made his living providing staff support to a King County councilman. He had never run a business, covered a payroll or worried whether his employer would survive a financially troubled period. He was totally immersed in political policy. Put him in a room and he could discuss anything political with anybody. He could intelligently discuss the expansion of sewer facilities in Central Puget Sound, a new highway in Eastern Washington, the amount of money seniors spend on prescription drugs or public funding of political campaigns. He knew the issues, the players and the polls.

His considerable political skills had their limits, however. His popularity in the polls was declining because he was becoming increasingly viewed as lacking the ability to lead. He was under intense pressure to deliver a budget that was both balanced and yet did not result in significant cuts. He had two years left in his term and it was an open question whether he would run again. Challengers were beginning to posture for his position within his own party. With his name recognition, he would certainly be a prime contender for a seat in either the U.S. Senate or House of Representatives, but he needed a strong finish.

The Governor had been heavily supported by labor and environmental interests in his previous campaign and he could not disappoint them. Politics did not breed loyalty and those constituencies would drop him like a hot rock if he did not protect their interests. However, like many new-wave Democrats, he was also reluctant to alienate business interests. He could preach to both sides of the aisle. State level politics were worse than high school elections for prom queen.

The task immediately before the Governor was to get a budget passed. This was no easy thing to do in a good year, but an especially difficult thing to do during a rough economy. Throw in a libertarian in a divided Senate and he really had his arms full.

The Governor greeted me as if we were old friends even though we had never met before. He introduced me to his chief of staff, Bill Bridges, his budget director Cheryl Dodel and two aides.

The Governor invited me to sit down and said, "Thank you for coming, John. We followed your campaign. I will admit that you surprised us all. Congratulations on a well run campaign."

"Thank you, Governor. I got a little help from Mother Nature, but the fact that I was even close in the race was telling. Hopefully, you will have a few more libertarians to deal with in the future."

He laughed and responded, "I think that is pretty unlikely, but we welcome the challenge of dealing with third parties. I think that we have a lot in common and think there are substantial parts of our legislative package that you will find very attractive."

"I sure hope you have some repeals in the package, because I think we need to unwind a lot of what has been done in the last seventy odd years," I responded.

The Governor looked distracted as if the last thing he wanted to discuss was the repeal of existing programs. He was probably already imagining the squeals of pain and anger from the special interests that he would receive when putting a repealer before the legislature.

"John, I will get right to the point. You know and I know that you are in key position in the Senate. I hope that you have read my draft budget. The first order of business for this legislative session is getting a budget passed. It is extremely important that a budget be passed promptly for two reasons. The first is it will allow both houses to deal with other legislation during the remainder of the session. The second is that it will allow our agencies to make the necessary adjustments before the next budget cycle begins in July. It is difficult and time consuming for them to make changes in their work forces and facilities. There are additional reasons as well. Having a balanced budget passed without delay builds investor confidence and helps our bond rating. It is extremely important that the State have access to the credit markets so it can continue to borrow funds to build needed facilities."

At this point, I cut in and said, "Excuse me Governor, but I didn't run on the platform of assisting the executive to put the State into more debt. I particularly disliked the part of your budget proposal that artificially creates revenues by borrowing against the tobacco recovery funds."

The Governor responded, "John, I am trying to present something that works. This budget is a compromise. If I cut too much, it will have no chance of getting passed. It doesn't work to take a hard, fast position in these matters."

"Governor," I responded, "I appreciate the fact that you are under pressure from many different sides. However, it is a simple fact that tax revenues are declining. Expenses must be brought in line with revenues. You should be honest with the voters and simply give them a number that they can afford without imposing any new taxes or dealing in any creative accounting."

"Senator, you are not being realistic," Ms. Dodel stated.

"Ms. Dodel, have you ever considered what would happen to the Republicans if you did exactly that?" I responded. "You could turn the tables on the Republicans and label them as the big spenders. You would tie them in knots."

"You are not telling us anything new, Senator," she replied

"I sense that we don't have much common ground," I stated. "I have reviewed your draft budget and I cannot support it. I spent a fair amount of time in Olympia while I was practicing law in Seattle so I am not totally unfamiliar with the process of passing bills. I will admit that I never worked on an appropriations bill so this will be new to me. If there is any other information you would like to provide me about your budget, I will be pleased to listen."

"I would not write us off so quickly, Senator," Ms. Dodel stated. "Our budget proposal represents a significant amount of savings. The agencies prioritized their functions and significant cuts have been made. Let me show you some of the details."

She had a computer generated slide screen presentation all set to go and she started going through the slides. The slides showed a slowing in the rate of growth of the Departments of Ecology, Fisheries, Parks and Social and Health Services. She identified these as savage cuts and noted the unions representing employees in those agencies were extremely upset. I did not see much change at all in the Departments of Licensing, Labor and Industries, Transportation and Revenue.

I asked Ms. Dodel why those agencies would not suffer savage cuts as well.

“Let’s avoid the sarcasm and see if we can’t reach some resolution on this” Bill Bridges said.

“During the second and third quarters of last year, the economy of the State of Washington shrank,” I responded. “If we are all very lucky, perhaps it has bottomed out. Your own Office of the Forecast Council has projected that our recovery will be substantially weaker than the rest of the nation due to our reliance on jet aircraft manufacturing and high technology, both of which are still shrinking. I think you guys are kidding yourselves. You are trying to preserve a way of life that we can’t afford and the citizens don’t want. I would like to see some real cuts in real dollar terms. Just slowing the rate of growth doesn’t do it for me. Every day, our taxpayers are cutting their budgets to deal with their problems. You need to do the same.”

“John, don’t go wacko on us,” Bill Bridges responded. “What you are saying is extreme. Neither one of the major parties wants to see absolute cuts in the budget. You are going to be all alone if you persist on that position.”

“Gentlemen and Ms. Dodel, I am what I am and I do not envision myself changing my mind. Show me some real cuts in absolute dollars and I will listen to what you have to say.”

“You are asking for too much, Senator,” the Governor stated.

“You are taking the voters for granted,” I responded. “Every day, they are cutting back their own household budgets and they see their employers doing the same. They will understand and appreciate government doing the same thing.”

“You and I are hearing different messages,” he said. “The voters do not want a reduction in services.”

“That’s because you keep telling them those services are affordable. The average Joe has no idea what kind of borrowing and creative accounting it takes to keep those services in place.”

I just realized that I had laid all of my cards out on the table. Everyone here now knew exactly what was on my mind. I just told them, in effect, that my store wasn’t open for business and they ought to check with the Republicans. I had probably just blown myself out of the water and I was feeling pretty stupid.

“I appreciate your taking the time to talk to me,” I stated. “I can show myself out.”

I got up, shook hands with the Governor and the others and walked out, with his aide by side. The meeting had lasted less than half an hour.

The Senate had nothing further going on that afternoon so I jumped in the car and headed home. I got on the telephone with Jennifer and after we finished, I returned a few calls on the way. It had been a long week and I was tired. I was looking forward to a nice relaxing weekend.

One of the calls that Jennifer told me about was a rather vague inquiry from a small software company in Seattle. She stated that the president of the company asked if I could give him a call before six o'clock. I made that my last call just as I was entering the Aberdeen-Hoquiam area.

A receptionist for DGL Inputs, Inc. answered the phone and I told her who I was. She promptly put my call through to Andrew Webster, the company president.

"Mr. Austin," he stated. "Thank you for calling. My company uses your old firm in Seattle as its general counsel and they recommended that I speak with you about an issue that we are grappling with."

"Is this a legislative issue or a legal one?" I asked.

"Legislative," he said.

"Do you use a registered lobbyist?" I asked.

"Yes. We use Walter Thompson," he responded. "How about if we meet for lunch in Olympia on Monday?"

"I can do that," I stated and we made arrangements to meet.

After we hung up, I called Marvin Dade, a friend and colleague at my old firm in Seattle.

"John, what's a political big-shot like you doing calling a little guy like me?" Marvin said. "It is good to hear from you? How are Cindy and the kids?"

"Everyone is fine," I responded. "How are things in the big city?"

"Same as usual. Why don't you and Cindy come up for a weekend and stay with us. We would love to see you. You can tell all about your life as a Senator."

"I don't have much to tell yet. Give me a few years and I might have some stories. I did just finish a meeting with the Governor though. I told him face to face that he was on the wrong track with his budget proposal."

Marv chuckled and said, "I don't suppose you asked for additional spending?"

"No, I didn't. Marv, the reason I am calling is that I just spoke with Andrew Webster, the president of DGL Inputs. He wants to meet with me on Monday but did not want to tell what it was about. He said that you guys gave him my name. What can you tell me about him and DGL?"

"I can tell you some generalities at this point," Marvin responded. "DGL writes security software. You know, programs that enable sending secure emails, banking transactions, transfers of securities and stuff like that. They came on with us shortly after you left. They have a couple of hundred employees in Seattle and few hundred more in Europe and India. They have survived the dotcom crash and the word is, they are likely to be around for a while."

"Who owns them," I asked.

"They are privately held by some venture capitalists out of Menlo Park, California. They are very heavy hitters. Andrew also has a substantial stake in the company."

"What kind of guy is he?" I asked.

"I don't do much work for them, but I have met Andrew a few times. He seems like a good guy and he is highly regarded. He is apparently a very bright and hands on fellow – he is heavily involved in product development. He has ownership positions in several high tech companies and the rumors are that he is close to being a billionaire. Only a handful of people would really know and I am not one of them."

“Any idea why he is calling me?” I asked. “He could call many others who have a lot more influence than me.”

“I have not heard so I don’t know,” Marvin responded. “I probably wouldn’t be able to tell you if I did.”

“He sounds legitimate so I will go ahead and have lunch with him on Monday,” I responded. “If he needs something from the State, it will have to be done all out in the open. I trust he follows the rules.”

“I am sure he does,” Marvin said.

We exchanged a few more pleasantries and hung up just as I was pulling into the driveway. It was going to take two glasses of wine with dinner to unwind.

We had a nice relaxing weekend. I refused to do any work. I watched the kids play a couple of basketball games. Cindy and I went out on Saturday night for dinner and a movie. We woke up late on Sunday and had brunch. It was a clear day so I took the kids and the dog out to the beach so we could fly kites. The beaches in the southwest part of the State were very broad, flat and windy, especially in January. It was perfect for flying kites and letting dogs simply run wild. Cindy stayed home and read.

I started taking both of the Seattle newspapers and I spent late Sunday afternoon reading the news. I got a kick out of reading the Olympia news beat in the larger paper. The lead reporter was a fellow named Adam Sandlee who mixed a lot of personal opinions into his article. Like most pundits, he offered very definite opinions without letting the facts get in the way. I couldn’t tell from his columns whether he was liberal or conservative. Today’s column was about bipartisanship cooperation and the need for a speedy resolution on the budget. He urged the Democrats and Republicans to get together and agree on a budget bill and not allow the voting deadlock in both houses of government to hinder the process.

On Monday morning, I got up early and headed off to Olympia. I spent Monday morning in a committee meeting. It was the last week in January and the Governor’s budget bill was struggling. The Republican leadership was working on its own version of the budget.

The Republicans had been circulating a draft of their budget and I did not like what I saw. Their proposed budget was actually a little larger than the Governor’s budget, but had a different mix of spending. It contained more transportation projects and a small increase in the gas tax.

During a break in the morning’s meeting, I stretched my legs outside in the hallway. Lobbyists, lawyers, industry association executives and legislators were milling around looking very important. The Republican co-chair of the Ways and Means Committee, whom I had never met, approached me in and introduced himself. After some chit-chat, he asked me what I thought about the Republican version of the budget that was circulating.

I responded that I did not care for it and added that I wanted to see a reduction, in real terms, in spending to match the decrease in tax revenues. He frowned and stated that he did not think it was possible. He asked me if there was anything that I was looking for out of the session and I responded that I had not authored any bills at this point and was unsure whether I would do so. We parted and he walked briskly down the hall.

The Republican leadership was in a bind. Without me, they wouldn’t be able to get anything through the Senate unless they found a weak link in the Democrats, which

seemed unlikely. On the other hand, it may not matter because they did not control the House either. The House seemed to be a little looser knit than the Senate though and there was no doubt that the Republicans would be working on some Democratic soft spots. Right now, it looked to me like the deadlock was for real, although it was still early in the session.

At just before noon, the committee broke for lunch. Most of the Senators went off to the cafeteria to be served in style by the French chef. What better way to solve the problems of the State than to be treated like royalty? I walked downtown to the small café that I usually frequented to meet Andrew Webster.

I was usually greeted by the proprietor whenever I came in. He showed me to a booth and I told him that I would be expecting company. I pulled out the Seattle morning newspaper and began reading. The activities of certain rogue Middle Eastern countries and terrorist activities dominated the headlines. The economy continued to bump along the bottom. The stock market was making a comeback but many analysts worried that stock prices were predicting a stronger comeback in corporate earnings than was likely to occur. If that was true, the stock market was setting itself up for another vicious correction. I was glad that I no longer played that game.

About ten minutes after twelve, a trim and serious looking man of about 35 and another older gentlemen appeared at my table and introduced themselves.

The younger man stated, "hi, I am Andrew Webster. Please call me Andy. This is Walter Thompson."

"John Austin," I responded and I shook hands with both of them.

I asked Andrew about his drive down to Olympia and he responded he was on the telephone and his computer the whole time and had not noticed. I saw a large, gleaming black Mercedes sedan parked across the street from the café with a young man seated in the driver's seat reading a book. That looked like a not half bad way to travel.

We exchanged some pleasantries and Mr. Thompson and I figured out that we knew a lot of the same people.

"What is it that brought you down here?" I asked.

"I meet regularly with a group of software executives who work in the Seattle area," Andrew stated. "We are very concerned that the State and many urban counties and cities are making it difficult for us to grow our businesses. It is extremely difficult and expensive for anyone to build anything. It is very difficult for our people to get around. Taxes are high and the cost of housing is out of sight. Only a small portion of the areas located outside of the central business districts of the larger cities have access to broadband service. The broadband providers complain about the difficulties in obtaining franchises from the counties and cities to lay and operate their lines. Every local jurisdiction wants its piece of the pie. Have you noticed how cell phone service has degraded in the last year? Have you noticed that the pace of innovation has slowed? The Internet, while extremely useful, is not yet fulfilling its potential. Our concern is that government at all levels is impeding its progress and it starts with the difficulty in extending broadband service. My business, which is writing software that allows computers to convey very technical information to one another, needs high speed lines to be effective. My business will stagnate unless broadband capacity is made available to everyone. I am not asking for subsidies. We just want the roadblocks removed."

“We need a bill that will do two things,” he continued. “The first is that it must get the Washington Utilities and Transportation Commission to stop regulating broadband rates and terms of service. Prices are dropping as it is and this area is so competitive and fast moving that the commission only gets in the way of the work and the relationship between the customer and the service provider. The second is to stop the cities and counties from throwing up roadblocks with unreasonable regulations, fees and taxes on the service. Broadband rates have come down so far so fast that it is barely profitable as it is to extend service. The roadblocks thrown up by local governments are a real impediment.”

“Why not seek a federal bill pre-empting the State and the local jurisdictions from regulating broadband,” I asked. “I remember several years ago when a federal statute was passed that pre-empted State regulation of motor transportation companies. It seems to me that that legislation removed many entry barriers into the system and the cost of hauling freight has declined significantly.”

“We are working on a federal bill also,” Andrew responded. “We want to have a two pronged approach, both federal and State, because the federal bill will be extremely difficult to pass. There is a long history of regulating telephone service at the federal level that will take years to overcome. Believe it or not, most of the carriers do not want deregulation at the federal level. They like the protection that it provides.”

“Andrew, I am a party of one down here,” I responded, “and I really do not know my way around very well at this point. I would be pleased to support a bill along the lines that you just laid out, but you would be better off getting one of the major parties to sponsor it. You would need to find somebody in the House to introduce it in the corresponding committee.”

“We have followed your campaign and like what you have to say,” Andrew replied. “We liked the way you ran your campaign and we would like to work with you. We know it is a long shot, but we would like to explore having you sponsor the bill. We frankly do not expect to pass the bill this session. It will be too controversial for most politicians on both sides of the aisle and, besides, we think the budget will dominate the session anyway. We do want to trot out the bill for a look-see and then assess the reaction. Walter will help line up support. We would like to start with the Senate. I can have an initial draft of the bill prepared by our counsel and have it in your hands in a week or two.”

“I will look at whatever you come up with,” I stated. “I used to do some public utility work in my days in Seattle so at one time, I was familiar with many of the statutes that will have to be dealt with. In order for me to understand the bill and all of its ramifications, however, I will need to spend some time with Walter or your counsel to go through it.”

I was feeling like one of those dumb legislators that I used to be so critical of. However, a bill of this nature would be so complex, it would probably take several hours of give and take with an expert to really understand it.

We ordered lunch and I quizzed him about his business and politics. I was particularly interested as to why he sought me out instead of a Republican. I appreciated the fact that the bill would have a libertarian theme to it, but the Republicans voted to deregulate business on occasion and they would be much more effective in ushering such a complex bill through the legislature.

He let on that he and his colleagues would prefer have me be the lead based on my libertarian label. He said most of his group were independent or Democrats and they could not stomach dealing with the Republicans. He stated that they also realized that the Democrats would not offer much help with a deregulation bill. That left me.

I suggested that if they were serious about pushing this bill forward, they would need to get the support of the major telephone carriers and they would need to find a sponsor of the bill in the house.

Andrew agreed and then let on that his group was strongly interested in supporting a libertarian politician. They didn't like politicians and they generally resented any interference into their business by the government. But they knew they needed to get involved in government just to protect themselves. When they saw that I had actually won an election, they became very interested in me. He asked me whether I had any campaign debts that needed to be retired and I responded that my campaign had been a low budget affair and that my campaign was debt free.

We finished our lunch, paid our bills (each of his paid his own) and we shook hands. Andrew and Walter provided me with their direct telephone numbers. They walked back to Andrew's Mercedes and I walked back to the Senate building.

I spent the remainder of the day between committee meetings and a hearing.

The Governor's budget bill was languishing in the Senate. The Democrats didn't really like it because it did not contain enough growth in services, but they supported it. The Senate Republicans were not being won over either, mostly because it was the Governor's bill and they were not about to hand him an easy victory. The bill did not appear to be making any better progress in the House. By the first week in February, the bill remained bound up in the Senate's Ways and Means Committee.

I had been making my pitch about the budget, which was that it needed to contain cuts in absolute terms to match the decline in tax revenues, to anyone who would listen. Some legislators appeared to privately agree, but most just rolled their eyes. It was still early in the session and I had no idea what effect, if any, that my comments would have. There would be plenty of time to see what alternative bills would be offered up that I could support.

As the session proceeded, hundreds of different bills were introduced. The bills ranged from increasing criminal penalties for gambling within 300 feet of a school or church, prohibiting a prosecutor from making plea bargains with serial killers, authorizing the issuance of bonds to fund a cactus museum in Eastern Washington, requiring, increasing fees charged by various state agencies, increasing the powers of the utilities and transportation commission to regulate the sale of electrical power to State supported foster homes, funding trips to Indonesia and the Philippines to encourage trade, opening an office to regulate the roasting of coffee beans, naming a state shrub and on and on. It was simply impossible to keep track of them all. Each bill had a sponsor in the House or Senate and, most likely, a special interest group that was pushing the bill and a special interest group in opposition.

Fortunately, it was actually fairly difficult to pass a bill. Most of the bills never made it through the committee process. Those that did had to go through a reconciliation process conducted by a conference committee with the other body of the Legislature. Bills that made it through conference committee would be voted on by both the House and Senate. Bills required a majority vote of each body to pass and then had to survive a Governor's veto to become law.

The next week, I received the draft broadband deregulation bill from Walter Thompson. After an initial reading, I spoke with him over the telephone several times to ask questions. It was approximately ten pages long and pretty technical. It was an aggressive deregulation piece of legislation that did exactly what Andrew Webster said it would. It limited the powers of cities, counties and the State to dictate terms of broadband service and removed the jurisdiction of the Washington Utilities and Transportation Commission.

I was certainly agreeable to having the bill list me as a sponsor, but I urged Mr. Thompson to contact the Republican co-chair of the Technology and Communications Committee where it would be introduced. The co-chair knew the lobbyists for the major carriers and he would have much more credibility than me in presenting the bill to the Senate. Given my freshman and third party status, I had next to zero influence and I was not about to offer up my support of either of the major party's budget bills to get support for this bill. We ended up agreeing to make a dual effort in contacting Republican co-chair and other Republican members of the committee.

The next day, I spoke to the committee co-chair, Jim Dolan, about the bill. He listened attentively and joked, "We have been waiting for you to introduce a prostitution legalization bill."

"Given the amount of time that I have been spending away from home lately, I have been giving it some thought," I responded.

He laughed and asked me to lunch. I told him that I would enjoy that but I would not eat in the Senate cafeteria. We agreed to go downtown to the café that I frequented. We put on our coats and walked. It was a brisk but clear February day and the exercise felt good. Senator Dolan had been in the Senate for over twenty years and had seen a lot of politicians come and go. He seemed like the kind of guy who rarely got flustered.

As we walked along, he said, "you sure have a lot of people concerned about how you are going to vote on the budget."

"I haven't been reticent about telling people what I think," I stated. "I told the Governor that I could not support a budget that did not entail a reduction in absolute terms to match tax revenues. I sound like a broken record, but I am not satisfied with just reducing the rate of growth in the budget. What are the Republicans going to do?"

"We are going to continue to push our bill," Jim responded. "We are not going to let the Governor get a free ride. We will try to get our bill through committee in the next few days. The big question is whether you will support it."

"I have seen your draft and from what I could tell, it contained more spending than the Governor's bill," I stated.

"It contains some real cuts in certain areas," he responded.

We sat down and had lunch. We discussed the broadband deregulation bill and I provided him with a copy of the draft bill. He was aware of the bill but had not yet studied it.

"John, this bill might get some consideration in the committee if you were to cooperate with us on our budget bill," he stated.

The horse-trading had begun. After twenty years of practicing law, I was used to negotiating and I certainly did not find it offensive to be asked for things in trade

"Jim, you know what I think about your budget."

"John, if you play too tough on the budget and cause both parties' budget bills to have a problem, you are going to be tarred and feathered," he said. "I see a deadlock coming if you do not vote with the Republicans because I doubt whether any Democrats will come over to our side."

"What is the chance that one of the Senate Republicans jumps ship and votes with the Democrats?" I asked. "That would certainly be the course of least resistance to getting a budget passed."

"I will tell you something that I probably should not given the fact that you are not a member of my party," Jim said. "But if a Senate Republican did just as you said, he or she would be cast out like a smelly old sock. The party would withdraw all future support from that individual and that would be the likely end of his or her political career as a Republican. The Republican leadership sees this as a prime opportunity to shape the budget the way it wants. It is going to pull out all of the stops to see that a budget to its liking gets passed. Any party member who gets in the way of that goal will pay a significant price."

I pondered that statement for a second and was grateful that I was not subject to such nonsense.

“I don’t see your chances as being very good on your bill,” I responded. “You don’t have control over either the House or Senate.”

“John, we want you to vote with us on the budget,” Jim responded. “We have a plan for the House.”

“I want to see some cuts in absolute terms,” I said. “I am not here to trade baseball cards.”

“John, you are going to have a very lonely existence in this town if you are intransigent. You are a young and smart. You could go places.”

“Jim, that sounds patronizing. The last thing that you and your party want is for me to go places. I have no faith that your party will do anything to help me. In fact, if they see that I am the start of a trend, it will likely go into a panic and do everything possible to discredit or defeat me. I represent a threat to the Republicans and probably to the two-party system.”

Jim nodded, and said, “What you say may be correct. However, in the meanwhile, my party does not view you as a threat to the system and it wants your cooperation. If you do not cooperate, it will only maintain the deadlock and we may be here all summer in special session trying to break it.”

“I think what is really going to happen is that both major parties will figure out a way to go around me and the first one to do it will win,” I stated. “On the other hand, I have let it be known that I will vote for the budget that contains absolute cuts. I don’t care if I am universally hated by everyone in this town. I am a lawyer from a small town with no political aspirations. There is nothing here that I need. I frankly haven’t seen anything yet which will make me change my tune.”

“What if it means bringing the government to a halt,” Jim stated.

“I have considered that,” I stated. “Tell me if my thinking is on track. If a budget does not get passed by July, then the State Constitution will be violated. People and companies will still be required pay their taxes and the revenues will continue to flow in. The Governor will be able to declare some sort of emergency to keep the State Patrol and the prisons running. Cities, counties and special purpose districts will probably be able to keep running. The State probably will not be able to sell any bonds, which in my view is not a bad thing. It will be a similar situation to when the federal government is faced with shutting down whenever its debt ceiling is about to be exceeded. It is not that big of a deal.”

“You are probably pretty close, but it will be a huge deal. Just think of the political fallout,” he stated. “You would be run out of town.”

“I think I would be adored by at least five percent of the residents,” I stated. “That’s enough for me. And besides, if a shut down happens, I won’t be the only one taking the blame. I am just a one guy with one vote. The voters will realize that the major parties are the cause of the problem.”

“John, at some point you will cave in. I suggest that you crank a survival plan into your thinking and that you don’t wait too long to execute it. You will cave in sooner or later and it might as well be sooner so you can save your own neck.”

“So Jim, how about that broadband bill,” I asked. “You probably don’t care much about the merits of the bill, but just think of the cool people that you would make happy by supporting the bill.”

“You are an insolent young man and I will excuse your bad manners due to your inexperience. That bill will never see the light of day.”

“This is going to be more fun than I thought,” I responded. “You know what they say about wrestling a pig in mud?”

“What’s that,” he responded.

“They like it.”

“What does that have to do with anything?” he asked.

“Well, I am kind of like a pig in mud. The more you wrestle with me, the more I like it.”

Senator Dolan gave me a pained expression that was very similar to the way my wife looks at me sometimes.

We finished our lunch, paid our bills separately and walked back to the Senate office building. We didn’t say much on the way back. I was frankly surprised that he applied so much pressure so early. I was also surprised that he was treating the issue of a budget standoff with so much import. The budget cycle didn’t begin until July so there was plenty of time to resolve the issues.”

Starting in junior high school, I began playing poker with my mom and dad. They were hard working folks who really enjoyed life. My dad was an auto mechanic with his own shop in a little town called Mount Vernon located about an hour north of Seattle. My mom worked in a dry cleaner. I was an only child. I spent my summers and quite a few weekends helping out in my dad’s shop. Both my mom and dad were quick with math. They could add figures in their heads faster than most people could do with pencil and paper. After I finished my homework in the evenings, we would haul out the cards and play every card game known to man. We would play gin, stud poker, draw poker, hearts, go fish, and even a little bridge. We would play for real money although the stakes were not large. They made me play with my own money and there was more than one occasion when they wiped me out.

My folks not only taught me the meaning of work and the value of a dollar, I learned from them that when you took a position, you stood by it. They were excellent card players because when they took a position, they really meant it. For them, a bluff was not really a bluff; it was simply taking a position and sticking with it, win, lose or draw. I was never able to discern one of their bluffs from the real thing unless I called the bet, which was a dangerous thing to do. It seemed like every time I called, they had good cards. You never really knew what they really had in their hand and they rarely folded. They usually forced others to fold. I used to complain that I never got to see their cards very often. My dad used to say, “you got to pay to see em.”

Playing cards with them night after night was one of the best educations that I ever had. It helped me immensely when I started to practice law. I never bluffed. I was prepared to defend or prosecute every position I took. My parents had recently passed away. Memories of those card games were going through my mind now. I was not bluffing when I told Jim that my position was firm.

We shook hands when we entered the Senate office building and parted ways. Jim was pretty high up in the Republican Party leadership and he would report our

discussions to his colleagues. I began thinking about ways to defend myself from the inevitable attacks that would come.

Both the Republican and Democratic budget proposals were dominating the session at this point. Based on agreements between the leadership of both parties, both budget bills were exempted from the cut-off deadline applicable to all other bills in committees. This meant that the committees could have extensive reviews and amendments of those bills throughout the session. They would not have to be brought to the floor for a vote until the end.

Nothing eventful happened for the rest of the week. Work was piling up back at the office and I spent my free time in dealing with client issues. This weekend would be spent catching up. I probably would not be able to take Cindy out for dinner and a movie on Saturday night which would likely result in some repercussions. I left Olympia early on Friday afternoon, spent the entire commute on the telephone with clients and stopped by the office to check in with Jennifer. She brought me up to date on current messages and she gave me some files to take home to work on.

Mark and Melissa came over to dinner on Friday night and we had an enjoyable evening together. Mark had successfully lined up a date with Cheri James for next week so he was in a jubilant mood. Both Cindy and I pleaded with him not to take her dancing. Natalie and Melissa thought that was really funny and proceeded to show us their new dance steps. We tried to get Hank and Oscar to join them but there was no way that was going to happen. Mark even offered to give them lessons, but they slinked out to watch television instead.

Over dessert and coffee, Mark went to work on me to submit my own bill during the session. He was not satisfied with my co-sponsorship of the broadband deregulation bill. He thought I needed my own bill. Cindy wandered off to read her book.

I had so much on my mind that I hadn't really thought much about drafting my own bill. Mark thought that I should not be passive about my position and after some thought, I agreed. We then brainstormed some potential bills and we settled on a bill repealing the prevailing wage laws.

The prevailing wage laws required every State agency, city, county and special purpose district to let contracts for public work to contractors that agreed to pay not less than a certain wage to every class of worker as determined by the Department of Labor and Industries. The wage amounts were effectively based on union wages and it was basically a protection for union contractors. The primary significant problem with the law was that it drove up the costs of public work significantly. We figured the bill would be easy to draft because it would simply repeal a chapter of the Revised Code of Washington. However, since the bill was referred to in every statute which empowered State agencies, cities, counties and special purpose districts to let contracts, the State Constitution required that the bill specifically refer to and amend each of those statutes as well. The computerized research systems that I used in my office would easily assemble those statutes and I made a note to have Jennifer conduct that search on Monday. I figured I could have a bill drafted by midweek. I would then need to introduce it into the proper Senate committee and find someone to sponsor it in the House – that would truly be a project!

The prevailing wage law was a true throwback to the days when unions had real political clout. The statutory requirements were especially tough on local governments in

the rural, eastern part of the State. There were plenty of contractors in and around those areas who would gladly perform work at less than the State defined wage, but the statute prohibited it. Even though those local governments were hard pressed for cash during these tough times, the statute provided a barrier to getting work done at the best price. The statute had always been strongly supported by labor and it would be very difficult to repeal it. No Democrat in his right mind could vote for it and there probably weren't many Republicans that would vote for it either.

Mark and I felt that a bill repealing the statute would help define what my candidacy was about and we were not concerned whether the bill would pass. We were hoping that it would draw attention to the issue and me and hopefully encourage debate.

On the way out, Cindy took Mark aside and gave him some advice for his date with Cheri. Mark listened attentively for a minute or so and then I saw his eyes wander off.

"Mark, you'd better listen," I said. "You need lots of help. Cindy should probably come over and help you pick out some clothes to wear that evening."

"What's wrong with the way I dress?"

"You dress like an ex-basketball player dentist. Just be sure and leave your polyester double knit office attire at home on date night."

"See how he treats me, Cindy?" Mark said. "It is a wonder that he has any friends."

Cindy nodded and ushered Mark and Melissa out the door.

On Saturday, the kids had basketball games throughout the day. Mark coached Melissa's and Natalie's team and they were very good. There weren't many coaches at that level who played Pac-10 basketball. Mark's experience was invaluable and his goofy personality seemed to fit well with twelve year old girls.

We put the boys on different teams whenever possible because they had a very annoying tendency to compete with each other. Fortunately, there were two teams in that age group to accommodate them. The atmosphere around the house was fine if both of their teams won or lost, but if one of them won and other didn't, the harassment and resulting wrestling was tiresome. Cindy and I wondered if it would ever stop. This turned out to be one of those days. Hank's team won and Oscar's team lost. Hank was merciless in his teasing of Oscar. Oscar tried to dish it right back and when that didn't work, he tackled him. Cindy and I dreaded the weekend when the boys played each other. I planned on asking the coaches to make sure that they did not have to defend each other.

After the games, I worked through the rest of the day. Sunday was more of the same. On Sunday night, I dropped off the files at the office, finished drafting some contacts and sent some emails to several clients and other counsel. Cindy and I finally got a few moments together on Sunday night after the kids went to bed and we sat down in the living room to have a glass of wine.

"So, how you holding up old man?" she asked.

"I think I will make it, but this is going to be a tough couple of months," I responded.

"When is the session scheduled to conclude?" she inquired.

"Mid-April."

I paused and added, “the budget is shaping up to be pretty contentious. I suppose I should warn you that if the budget is not resolved during this session, the Governor will be forced to call a special session to try and get a budget passed before the budget cycle ends on June 30.”

She gave me one of her looks.

“I received a rather threatening lecture from a senior Republican Senator the other day,” I said. “He indicated that if I did not vote for the Republican’s budget bill, that it would be unpleasant for me.”

“What could they do?”

“They would smear me in the press,” I said. “How would you like being married to the man that stymies the State from adopting a budget?”

“I think I can handle it,” she said. “Some of my co-workers at the school may not be too happy about it, however. Am I going to have to worry about waking up with a dead animal in my bed?”

“I don’t think so. Even if I obstruct the budget, the Democrats and Republicans will find a way to go around me and get something passed,” I said. “The current budget runs through the end of June, so this school year should not be impacted.”

“John, if the major parties don’t budge then won’t the Governor shift the blame to you?” she said.

“I suppose,” I said. “Any ideas of how to handle that?”

“Yes. Make your position clear to everyone and the press well in advance of that happening. If you can prepare the public for that outcome, they might figure out that one person is not to blame.”

That sounded like pretty good advice to me. Sometimes it was handy having an advertising executive around the house.

Our discussion shifted to the kids and school. After some very rough years, Hank and Oscar were starting to perform to the standards. After they were born, I tried to read everything I could about twins. Several of the books indicated that twins often were a bit slow in their younger years but would usually catch up beginning after age eight or so. It actually took a little longer for our guys, but at age ten, both of them were at least in the middle of their classes. Fortunately, there were two fourth grade classes at school so we could keep them apart. They both seemed to learn quicker and were happier that way.

Natalie was a very good learner and a real take-charge gal. Something about being the eldest, I guess. She had started babysitting the boys for very short periods starting at about age ten and we had gradually increased the amount and length of the sessions. Now, Cindy and I could go out for several hours on a Saturday night and leave her in charge. When we came home, all of the dishes would be in the dishwasher, the kitchen floor would be cleaned and even mopped sometimes, Boo and Scout would be fed, and the house would be in order. Hank and Oscar would not always be in bed, but they clearly recognized that she was in charge. Natalie was going to be a very successful young woman, although we weren’t sure at what. She loved horses, dogs, cats, dancing, singing, basketball, softball, socializing, talking on the telephone and exchanging emails and instant messages with friends. While she did well in school, her favorite part of it was the social aspect. I couldn’t wait until boys started showing up at our front door. Actually, I could. I was going to need help with that one.

On Monday, I got out of the house early and spent some time in the office before heading off to Olympia. I went in to the office assigned to me in the Senate office building and began reading my mail and the pending bills. It was still early in the session and most of the bills were still in committee. Due to the evenly divided Senate, each committee had a co-chair and a bill could not be released from a committee unless both co-chairs approved. This procedure would cut down the number of bills that actually made it to the Senate floor because no one person could ram a bill through the process. No bills of significance had yet to come up on the Senate floor.

The pace should start to pick up in the coming weeks. It was mid-February and there were still about eight weeks left in the session. No one wanted to see the session extended or to have a special session called. However, the competing budget bills had still not made it through to the floor of either the House or Senate and neither party's bill appeared to be gaining momentum. It was pretty clear that the budget was going to dominate the session, but a lot of other bills would be presented as well.

The amount of paper flowing through the system was staggering. Given my background, I was pretty adept at reading the legislation, but it was still a challenge. It was absolutely necessary to filter out the bills that had no chance of success because it was simply impossible to read and understand them all. I also had my own filter. If a bill sought to expand the power of an agency, I automatically discarded it. If a bill expanded an individual right, then I would study it. I viewed rights different from benefits or privileges though. To me, a right means freedom. A right does not emanate from someone else's wallet.

Some of the bills were extremely subtle and it took some real analysis to figure out what they were really doing. Whenever I reviewed pending bills, I usually had to fight off some nausea and sleepiness. The State statutes were becoming so lengthy and complicated that they were beginning to read like federal statutes, which was a very bad sign. Instead of defining rights or duties, many statutes were now prescribing planning processes by various agencies and designing funding sources. These statutes did not create clear rights or duties and it took some very careful thought to determine what they were actually intending to accomplish and consequences would result. I often had to call a sponsor of the bill to get an explanation of what was intended and more than once, the sponsor didn't have a clue.

The ever increasing amount and complexity of legislation needed to stop if for no other reason than the inefficiencies it caused. Our society was being overwhelmed by overly complex and numerous laws. Lawyers and other consultants fed off this system and earned significant wealth in doing so. That wealth would be better left in the hands of the individuals, companies and governments trying to actually build things that created real wealth.

The amount of resources that were allocated to dealing with totally artificial concepts created by statutes is enormous. I sometimes wondered how much creative capacity and wealth was consumed by unnecessary legislation. Whenever I went to a tax law seminar, for example, I was amazed at how many smart and capable people devoted

their time to understanding the tax laws and helping their clients avoid them. What a total waste of time and effort and a misallocation of resources.

A major part of the job of a State Senator involved reading mail and taking calls from constituents. I set aside time each day to do this. So far, I was in the honeymoon period and the communications that I was getting was generally favorable. I did have to turn down many requests for favors, but that did not seem to cause a problem and many of the requests I got related to the federal issues for which I could do nothing about.

At ten o'clock am, I stopped reading and went to a Technology and Communications committee meeting. Several more bills were introduced and discussed and drafts were circulated. I had only one vote on the committee so I was just another body. At eleven o'clock pm, we took a quick break and I stepped out in the hall. Barney Doyle came up to me and we chatted for a moment. He inquired how things were going and questioned me about my position on the budget.

I asked, "Won't the Democrats and the Republicans get together and reach a solution somewhere in the middle?"

"Right now, it doesn't look to me like a compromise is in the works," he stated. "Both sides may start pointing to you as the cause of their inability to make a deal in the Senate."

"I don't get it," I stated.

"You see, they really don't want to make a deal, and why should they if they can pawn off the blame to a third party," Barney responded.

"Thanks for the warning."

We chatted a little more and then each of us went back to our meetings. At noon, we broke for lunch. I grabbed a sandwich and went back to my office to do more reading. During lunch, I received a telephone call from Andrew Webster. I was surprised to hear from him and not his counsel or lobbyist. He stated that his group had made contact with some telephone company executives to discuss the broadband deregulation bill and while met with initial skepticism, he thought some may change some minds. After disparaging the IQ's of the telephone group, he asked me how things were going.

"It is a little early to tell, but I think I have been selected to be the only person in the middle of a game of dodge ball. Budget bills are dominating discussions these days. I am hearing that both sides are going to blame me for the failure of the parties to arrive at a compromise in the Senate."

He expressed a multisyllable expletive and added, "I am glad that I build stuff for a living rather than having to deal with that kind of crap. I don't know how you do it."

"I would rather be working on contracts and helping people actually accomplish something, but someone needs to do this," I responded. "I am, however, getting a perverse pleasure just thinking about ways to take advantage of my position."

"My group contributes to both sides of the aisle, although more Democrats than Republicans," Andrew said. "If things get too rough, let me know and I can request some of them to talk with your opponents."

I agreed to keep him posted and we hung up. I continued to read and eat. At a little after one o'clock, I started walking back to the committee room.

Later that week, I attended a Senate Ways and Means Committee hearing regarding the competing budget bills. Votes on the bills at the committee level were still far off. Similar bills were working their way through the House.

The co-chairs of the Ways and Means Committee opened the hearing for testimony on the Democrats' bill shortly after I walked in. Democrats signed up to speak first in favor of their bill. The Senate Democratic leader got up to speak and he extolled the virtues of maintaining work force levels throughout most of the government as well as the safety net provided to the most needy. He decried the Republicans' budget as containing vicious cuts on one hand and generous grants of pork to road construction contractors on the other. He showed charts that compared the differences in levels of agency spending based on that provided by the Republican bill as compared to the Democratic bill. Both budgets contained an increase in spending over the prior biennium.

One of the things that both parties had to deal with was that inflation for the previous twelve months was less than 2%. However, tax revenues were projected to decrease over the next biennium about one percent. Therefore, just to keep the same level of services, expenditures would have to increase by about three percent. The Democratic budget showed about a one percent increase in expenditures and the Republican budget showed about a two percent increase. The Democratic budget showed a small tax rate increase and relied on some borrowing and gimmicks to balance it. The Republican budget showed a gas tax increase and its own version of gimmicks to balance. Both were unpalatable to me. My bottom line was no new taxes, no gimmicks and that budgeted expenditures would have to match budgeted revenue. That meant that expenditures would decrease by one percent, in real terms, from the previous biennium. That hardly seemed draconian to me. In fact, that position seemed pretty tame for a libertarian, but I wanted to stay relevant to the process. If I took an extreme position, I would be wasting the opportunity that I had been given. My job was to just change the course of the ship.

After several more Democratic speakers, the Senate Republican leader then got up to speak and he blasted the Democratic budget as being full of gimmicks. He stated that the Republican budget essentially matched the growth in forecasted revenues for the next biennium and added in a tax increase to account for increased transportation spending. He stated that the Republican budget represented sound and responsible government and did not adversely affect the truly needy. He too showed graphs and charts. Several other Republican speakers followed.

I continued to ponder the situation as other speakers made their presentations. Reducing spending was particularly difficult for a State because a significant part of the State's expenditures were mandated by the federal government. Some of those expenditures were reimbursed by federal agencies, but many were not. Given the mandatory nature of federal legislation, it was not legally possible to change federally mandated programs at the State level. The federal government would commence suit in a heartbeat to enforce its mandates. Federal laws would have to change before a State could do anything about them. The remaining part of the State's budget, which could be termed discretionary, was the only part that could effectively be cut without changes in federal laws. Violating federal laws was not an option regardless of how distasteful they may be.

Long before this time I had settled in my mind the difference between an anarchist and a libertarian. An anarchist would simply ignore laws. A libertarian respected laws, even those that he or she did not agree with. An example of this difference was illustrated time and time again by Harold Meany, a justice of the Washington State Supreme Court.

Justice Meany was widely regarded as a libertarian and was intensely disliked by government prosecutors, government attorneys and environmentalists. He was celebrated by civil libertarians, criminal defense counsel and property owner interests. He was very hard for most people to categorize because he was neither conservative nor liberal, in the common sense of those terms. Many thought that he was full of contradictions because he would often interpret statutes in criminal cases to favor the rights of the accused, but in the very next opinion which might involve a civil dispute regarding the development of real property, he would interpret the law to favor a property owner. He was not inconsistent, however. He interpreted statutes based on their wording. He interpreted individual rights broadly and government powers narrowly. Justice Meany had a distinguished career as a trial lawyer and he was a man of conviction. In every opinion, he would figure out what the law is and then apply it in a coldly objective manner. He did not care about public or government policy. He wrote scathing opinions about governmental agencies attempting to expand their powers beyond their enabling legislation.

Justice Meany knew what was right and he did not bend. There were many stories about extremely vocal and intense arguments between him and several other justices on the Supreme Court. However, unlike most judges, his personal view of what was right or wrong was secondary. His job was to apply the law. He dissented often and obviously did not care who he offended. He did not defer to the legislature or the executive branches of government and he had made many enemies over the years. He had no problem in declaring legislation unconstitutional. Despite the fact that he was very controversial, he was a highly respected jurist due to his remarkable intellect and consistency. I learned a lot from Justice Meany's opinions. He gave me a framework to figure out problems.

The Legislature had not heard me formally speak on an important matter. Even though this was just a committee hearing, this would be a good place to start. I needed to start marketing my one percent budget solution and there was no better time or place to break it in. I signed up on the speakers list and then waited my turn. I listened to numerous other speakers talk about the Democratic budget proposal. The Democrats universally supported it and the Republicans criticized it. Toward the end of the afternoon's session, one of the co-chairs called out,

“The Senator from the 19th District may speak.”

I stood up and said, “Thank you Mr. Chairman. I come from the town of Southport. In Southport, we don't have many fancy homes or buildings. We rarely see a Mercedes Benz, let alone a Lincoln Continental. People work hard and save. They live within their means. When incomes decline, people reduce their expenses. They do whatever it takes to make ends meet. When a resident of Southport is out of work, his or her family and friends often help out. Given the state of fishing and timber, there has been a lot of that lately.”

“The State of Washington is going through some rough times. There is more happening than just a decline in the rate of growth of tax revenues, however. The residents are telling us that they no longer trust us. They have directly voted to reduce taxes and they will not tolerate any tax increases or new taxes. Government has lost its credibility. It can no longer deliver a product for a reasonable price. The government cannot build the simplest road without spending millions of dollars.”

“The Legislature has empowered the various agencies and local governments to regulate and tax the people so that even the smallest business requires lawyers and accountants to comply with the laws. The simplest transaction routinely requires counsel to review the paperwork in order to comply with the laws. The simplest construction project requires an architect to design it, an engineer to prepare the drawings, a team of environmental consultants to mitigate the minutest of possible impacts and land use lawyers to lobby the decision making body and handle the inevitable appeals.”

“The people are out of breath. They are straining under the load. Their state of mind is reflected in the way they have voted on the various taxpayer initiatives in recent years. The fact that I am addressing this body, a third party candidate who ran on the most minimal of budgets and with a simple consistent theme, is indicative of their state of mind.”

“Ladies and gentlemen, I am obviously aware that the Senate is evenly divided between Republicans and Democrats and, presently, my vote hangs in the balance. If the Democratic Party’s budget bill comes to the Senate floor in its present form, I will not vote for it.”

“Based on the figures that I have seen, revenues for the next biennium will decrease, in real terms by about one percent compared to the prior biennium. In order to get my vote, a budget for the next biennium will have to honestly provide for reduced expenditures of that amount.”

The room was silent, although I could see that many of the Senators were whispering among themselves.

I concluded by stating, “I have laid my position on the table for all to see. Being a lawyer, my instincts usually tell me to not lead with my best offer. All good lawyers usually make demands containing a little or a lot more than they expect to get. Not here. This is my best offer. I will not be satisfied unless the appropriations budgeted for the biennium decline by at least the same reduction in revenues. That means there must be an absolute decline in the budget. I call this the one percent solution. I will not vote for a budget that spends anything more. Thank you Mr. Chairman.”

I sat down and there was no reaction. The President identified the next speaker and the speeches continued for the rest of the day.

When I got out of bed the next morning, I trotted out to the driveway to get the papers. It was nearing the end of February and it was still pretty cold in the mornings. So far the major newspapers had pretty much left me alone. I hadn't really given them much ammunition until now.

The lead reporter for the largest Seattle paper that was assigned to cover Olympia was Adam Sandlee. I had seen him around the halls and committee rooms but had never met him. I had been reading his columns for some time and while they were entertaining, I was not impressed with the depth of his thoughts. His columns were usually contained in the second section of the paper dealing with State and local news and were usually designated as "Analysis," meaning that he was free to mix fact and opinion. His opinions were sprinkled pretty liberally throughout his columns.

This morning's column was as follows:

The Height of Arrogance:
Senator Makes Budget Demand

Adam Sandlee (Analysis) Olympia, WA. Yesterday in Olympia, the State Senate's Ways and Means Committee was taking testimony regarding the Democratic Party's budget proposal for the next biennium. The testimony followed along typical party lines throughout the morning. The Democrats spoke in favor and the Republicans against. Senator John Austin, a libertarian from Southport brought the committee room to a standstill. Austin clearly does not know how things are done in Olympia. Most of the work on budgets is done behind closed doors. The deal making hasn't started yet though – it is still early in the session and the Republicans and Democrats have not put together an agreement to meet somewhere in the middle.

Austin has purposefully thrown a wrench into those inevitable negotiations, however. He obviously does not want to be left out of the negotiating, so in a feeble attempt to insert himself into a position where he is clearly not wanted, he offered up a half hearted proposal; something he calls the "one percent solution." Austin is just like the cook in the kitchen who throws cooked spaghetti against the wall to see what will stick. His solution on its face is simple and appealing – it is for the next biennium's budget to decline by one percent compared to the previous biennium. When you look closer at this proposal, it is the first attempt by an ultra right wing extremist to begin undoing the State's safety net, education programs and commitment. A one percent reduction in spending is really much more than that due to the effects of inflation. It is in fact a severe proposal and would represent a change in the course of State government.

One would hope that the Democrats and the Republicans get together and make a reasonable accommodation to all of the interests served by the State so that the State can continue its path of providing responsible government.

When I arrived in Olympia that morning, I expected debate to begin on the Republican budget bill. However, the Republican leadership had met over the evening and had apparently decided to hold back its proposal before proceeding in committee. Perhaps they were going to feel out the Democrats to see if there was a deal to be made or if there were any loose cannons that would break ranks. Who knows what would be dangled out in front of them as compensation?

I went back to my office in the Senate office building to read my mail and study some bills that were circulating. I did not think it was likely that I would be paid any visits by either party at this point. I would probably be the last resort.

At a little after eleven, someone knocked on my door and I let him in. It was Richard Belson, the Senate Democratic Leader. He was a distinguished looking retired real estate salesman from Seattle. I had met him once before but had never conversed with him.

“Are you enjoying yourself as a Senator?” he asked.

“This has been an educational couple of months,” I responded. “I don’t have any bumps or bruises so far, just a lot of missed billable hours from my law practice.”

“Senator Austin, I thought I would check in with you to see if there was any chance that I could get you on board for our budget bill.”

“Feel free to call me John,” I responded, and added, “do you plan on cutting some spending out of the bill?”

“The bill is what it is,” he stated. “We are not planning on proposing any amendments.”

“Senator,” I stated, “I won’t vote for the bill in its present form. I stated my reasons yesterday before the committee. I sense that it is going to be difficult for you to get any Republicans to vote for your bill. If you would like to have a victory on this, then come around to my terms. They aren’t that difficult to achieve.”

“We can’t do that,” he stated. “Are you going to give the Republicans the same story when they come to see you?”

“Yes.”

Being a good salesman, Senator Belson wasn’t about to give up.

“Is there anything that you want to get through this session?” he responded.

“How about a bill legalizing gambling?” I stated.

Senator Belson laughed and said, “Word is that there is some sort of broadband deregulation bill circling and waiting to be introduced. I also hear that you have some very important friends in the computer industry that are pushing it. That might be something we could take a look at.”

“Senator Belson, it is premature for me to comment on that at this time. When the bill is introduced, I would be pleased to speak with you about it then.”

“John, that bill will have a zero chance of success unless you are willing to play ball with us on the budget,” Senator Belson replied. “There are going to be plenty of Republicans who will not go for it. You will need our help.”

“Senator, I may be too stupid or too naïve, but I am just not going to play horse trader on this. I am going to vote the way I want on the budget and the chips are just going to fall where they may on other bills.”

“Ah, the idealism of youth,” he responded. “If you play the game that way, you will never be an effective legislator.”

“And just what is an effective legislator, Senator,” I inquired.

“An effective legislator gets bills passed. That is his job. A legislator’s success is measured by the number of bills he gets passed. You are presently headed on a different course. You are headed down the path of anonymity. You are going to be a small footnote in the history of this body. You will be easily bypassed in this session, and in future sessions if you continue on your present path. When the deadlock disappears, your worth will be less than zero. You might as well be a member of the Socialist Workers Party. Now, you have plenty of time to salvage this situation. Presently, your vote is important and you might as well make the most of it. If you really want to further your cause, you need to get a bill passed. To do that, you need to be on the playing field. It means giving and taking. You want your deregulation bill to get some serious consideration? Then quit fooling around and play ball with us on the budget bill. I promise to help you. And one more thing, despite your independent credentials, you must realize that you have a duty to your constituents. Are you just going to sell them down the river?”

“I have heard every word you have said and I appreciate your advice. I have no doubt that you are correct,” I responded. “I may well be an ineffective legislator. I did not come here to pass new legislation. I came here to repeal statutes. My constituents knew what they were getting into when they voted for me. I am not going to change my tune.”

“If you want to repeal statutes, that still requires getting a bill through the legislature!” he responded. “Do you think that a bill is going to be measured simply on its merits? Grow up! This is the real world. In order to get those votes, you need to give something in return.”

“I appreciate what you are saying,” I said. “But I am not about to vote for your budget. It contains every negative thing that I campaigned on. It borrows money from subsequent years’ revenues. It doesn’t involve any real cuts in expenditures. It is a stop gap measure and a ponzi scheme. It is dependent on the economy turning around quickly to shore up the revenues. You know what that sounds like to me? It sounds like one of those companies that you read about in the financial newspapers that cooked its books in order to keep attracting capital. I am relatively certain that the people running those companies did not start off trying to defraud people. I think they started fudging the numbers by recognizing income too early and deferring expenses. They were borrowing from the future. When the future didn’t pan out, then the fraud really started. They kept having to rob Peter to pay Paul. But the growth never came. Finally, there was no future to borrow from and they crashed. The State of Washington started down that same scenario years ago. Your budget is one of many steps down the line of perpetrating a fraud on the taxpayers. It is time we faced reality and stop borrowing from the future.”

“You are a hard headed s.o.b.,” Senator Belson responded. “I can tell that talking to you is a waste of time. I have seen plenty like you come and go. You’ll never last. You will be out of here by the next election. Your next opponent will chew you up and spit you out based on your ineffective record. And by the way, don’t even bother asking for my help on anything. You want to play mister high and mighty, then so be it. We will cut you no slack. Have a delightful time for the rest of the session.”

With that, Senator Belson walked out of my office.

I had run into my share of Senator Belsons during my legal career. It must be a legal rite of passage for a young lawyer to run into an opposing counsel who tries to lull the young lawyer into a false sense of security by offering deals. This happened to me for the first time very early on in my career and I still remember that exchange to this day. The opposing counsel was a middle aged and very distinguished lawyer from a large downtown firm. I had completed discovery for my part of the case. He had not sent out any interrogatories or conducted any depositions and he was coming up on a court established deadline for concluding discovery. He apparently had other plans for the next few weeks. He called me one day on the telephone and said,

“Mr. Austin, I think you and I can work this case out, but we just need a little more time.”

“I agree that this case should be settled, but I don’t understand your comment about needing more time,” I stated. “The trial date is months away.”

He responded, “The discovery cut-off is coming up and I know that both of us need to do more fact finding. I suggest that we have a side agreement between ourselves to extend the date. I see no need to go to court to get a court to order the extension.”

I thought for a moment and concluded that my client, who was very upset with the opposing party, would not appreciate my granting the opposing counsel extensions when our case was fully prepared.

“I appreciate your offer,” I responded, “but I am comfortable with my level of preparation and I see no reason to extend the deadline.”

The opposing counsel immediately flew off the handle and shouted, “Why you little bastard. I have been practicing in this town since you were in high school. Who the hell do you think you are, Clarence Darrow? If you don’t cooperate with me, you can expect me to enforce every single rule right to a “t” and I will show you absolutely no mercy.”

Those were fighting words and having taken the position that I had, there was simply no backing down. What the lawyer was really trying to do was set me up for a very unpleasant surprise at or shortly before trial. This was simply trickery. I responded, “In my practice, I follow the rules to a “t.” I expect nothing less from other counsel and I do not expect to be given any slack. Is there anything else you would like to discuss today?”

“Austin, I am going to enjoy pummeling you all over that court room. Hang on to your hat young man.”

I have never been a particularly agreeable person and my wife will attest to that. It was fortunate that I became a lawyer because I would have made a lousy salesman. Fortunately, I had been trained by excellent lawyers that had one standard of practice, which was to treat every case, no matter how small, as if it were pending in federal court. We played by the rules and demanded that our opponents do so as well. We were never intimidated when someone threatened to hold us strictly to the rules.

The other lawyer did make a last minute effort to conduct some discovery but it was apparent that he was only giving the case a half-hearted effort. When the trial date came up, he was not prepared to go to trial. I knew it and I took advantage of it by negotiating a very favorable settlement for my deserving client. The settlement included a reimbursement of my client’s attorney fees, which was unusual for the kind of case

involved. The other attorney knew that I had ground him down and he was livid. In a final conversation, he stated that he and every member of his firm would be keeping an eye out for me. I welcomed further dealings and added that I would look forward to more profitable engagements when he or his firm was involved.

I was in quite a different setting this time, however. Senator Belson was undoubtedly correct that a modern day legislator is measured based on his effectiveness in passing bills. Legislation is a legislator's stock in trade. Every legislator needed a few bills passed in to law to show his or her constituents how much he or she was accomplishing. As far as I knew, no awards were handed out for being an obstructionist. Given the makeup of the Legislature, there was no way that I was going to get anything passed on my own. I began thinking of ways to inform the residents of my district on how valuable it was to have an obstructionist representing them.

I had lunch with my friends at our usual spot downtown. James Dill and Tom Bush, who were from the House, described a House committee vote that took place earlier that morning on the Democratic budget bill. James, a Democrat voted for the bill and Tom, a Republican, voted against it. The bill had passed along party lines and was now headed for the floor of the House. This would give the Governor and the Democratic leadership some momentum and they would undoubtedly begin to apply more pressure in the Senate.

Barney Doyle, a Republican Senator in our group, indicated that a couple of young Republicans were offered the moon and the stars in support of the Governor's budget bill, meaning they would get a bill passed, if they voted for the budget. He added that the Republican leadership was feeling particularly confident that their group would withstand the pressure and the enticements. The punishment for breaking ranks would be significant. The major parties had their systems of rewards and punishments. It reminded me of when I was a kid. I got dessert if I had my homework finished by dinnertime and if I didn't, it meant finishing the homework and doing chores afterward.

Senator Jim Dolan had already told me about how his party would treat a renegade. On the other side of things, the benefits of cooperating were significant, particularly for a politician that needed party help to run an effective campaign. My lunch companions discussed the system and noted that the major parties rewarded their loyal followers with publicity, campaign contributions (either direct payments or directing contributors in the proper direction), committee and subcommittee chairmanships, support for their bills, positions of leadership in the House or Senate and even cushy State jobs afterward.

I always wondered how many of the people I met in the Legislature made ends meet. Legislative sessions took at least two or three months per year not counting special sessions. The campaigns took at least six months of time to conduct. For Representatives in the House, who came up for election every two years, the pace was brutal. There were several lawyers in the Legislature but none of them were particularly distinguished in the profession. There were assortments of farmers, small business owners, consultants and employees of local governments. There were a few retired people, which at first I thought odd because I thought there should be more, but after spending some time in Olympia, I began to understand. The pace of Olympia was fast, negotiations over bills was constant and the State's dollars were treated like water. Most

retired people I knew were very careful with their money and made decisions carefully and slowly. The system lent itself to young and energetic wheeler dealers.

Self-preservation and the desire to accumulate some wealth was a concern among the legislators. I doubted whether anyone had dreams of significant wealth, but they did want security. For some, a State elected position was a stepping-stone to a State job and a State pension. Legislative sessions counted towards the twenty years one needed to participate in the State retirement system. The beauty of State employment was that once you were in, it was very difficult to be forced out. The State rarely laid off people. If you put in your twenty years, you got a nice retirement. The State Retirement System, known as PERS, weighted the highest years of earnings as the highest in determining retirement benefits. Someone who could spend a few years in the Legislature and then move on to public employment with a city, county, the State or even a fire district, came out great.

We had a good time at lunch. For being such a diverse group, we got along well. After lunch, Barney, Ryan Garvey and I made our way back to the Senate. James Dill and Tom Bush, the House members, were done for the day.

I sat down in the Senate chamber at 1:30 pm. The President of the Senate called the session to order. Various bills that had made it through the committee process were read and debated. None of them really interested me and I spent most of the time reading several draft bills that did interest me.

The Senate adjourned for the day and I headed home. As soon as I got on the highway, I called Jennifer and got my messages. I returned several calls on the way home and then called Cindy.

She had attended parent teacher conferences that day with each of the kids' teachers. She was still upset from the reports and could not wait to tell me what had happened. During the last two months, Natalie had turned in twenty two assignments late and her teacher had taken it out directly on Cindy. The boys were not setting any records but they were doing okay except for their boisterous behavior. Hank had seen the inside of the principal's office a few times for being disrespectful and Oscar had been guilty of clowning around too much.

Both Cindy and I had been excellent students and, to our memories, were low maintenance kids. Our kids, on the other hand, were high maintenance. When I was a kid, no one looked after me very closely. I could read for hours, explore the woods with my dogs, find friends to play with or just play or read by myself. None of my kids could do that. If they were left alone, they had a really annoying habit of gravitating towards the television. They would constantly complain of being bored if we did not have an activity organized for them or if they did not have a friend to play with. Cindy and I were convinced that something evolutionary was occurring with children – they weren't as self sufficient as our generation. We often discussed strategies to help our kids become more independent and we agreed to talk about it some more that night.

I rolled into the driveway well before dinnertime and I went in the house and greeted Cindy. We continued talking as she got dinner ready. She was feeling a fair amount of stress. I had been gone a lot. I was out the door every morning before the kids and was home late. After dinner I usually spread out files and tried to keep up with client work. Weekends were more of the same. We had almost no time to ourselves and our relationship was starting to suffer.

There were periods when I was experiencing sensory overload. I had so many things requiring my attention at the same time that I was finding it a bit overwhelming. When that happened, I buried myself in my work because that was the only way that I could make the anxiety go away. I was not very much fun to be around at those times either. The kids started referring to me as Scrooge.

I set the table and called the kids to dinner. We discussed the parent-teacher conferences and the kids were very quiet. We decided not to dwell too much on the conferences in front of everyone. We would deal with the specifics with each child in private.

Natalie mentioned at dinner that there was a Saturday night dance at the middle school. Cindy said that we were scheduled to chaperone and that Mark Dilbert had also signed up. I was really looking forward to seeing if any boys would be hanging around Natalie. I asked Hank and Oscar if they wanted to come. They both begged off. We finished dinner and then the kids started spreading out their homework. Natalie usually set up on the dining room table and the boys did their work on the kitchen table. I usually went over files or read legislation or advance sheets (soft copies of newly issued State Courts of Appeal and Supreme Court opinions) at the kitchen table and we all worked happily or unhappily away.

One by one, we took the kids aside and went over the results of the parent-teacher conferences. We spent the most time with Natalie because of her late assignments. She promised to do better.

The kids had basketball games on Saturday so Cindy and I spent the day shuttling them around. We rendezvoused at dinner time. Natalie finished eating quickly so she could get ready for the dance. Amanda, a junior in high school who lived a few blocks away showed up at 7:00 pm to baby-sit the boys. The boys really disliked the idea of having a babysitter, but they never seemed to mind when Amanda came over. She wrestled, played basketball and threw the football around with them. She also doled out liberal amounts of ice cream.

There is nothing like a junior high school dance. The girls usually gather together in groups and the boys do the same thing. Eventually, one or two of the boys make an excursion into the girls' camp and make a request to dance. If a girl deems the boy worthy, she will dance with him, but usually with some degree of disinterest. After a few boys make the initial reconnaissance runs, the troops start meandering over in groups of two or three and some of them make direct hits. There were always a few who skulked back to their base after having been rejected. Junior high school girls could be cruel and heartless and they were polishing their skills for later in life. The boys were building up some scar tissue and calluses, which would also help them later.

The parents usually sipped coffee, chatted and occasionally danced. They also handed out tee shirts to girls who were not dressed appropriately. I grabbed Cindy for a few spins around the floor, primarily so I could get a little closer to see which little hooligans were circling Natalie. She had been asked to dance several times and it appeared to me that she accepted each one, although appeared mostly disinterested. Then I saw one boy ask her to dance and she radiated a smile and nodded.

That lucky little fellow better be worthy.

Mark asked Cindy to dance at one point. She reluctantly agreed and walked tentatively out on the dance floor. Mark usually didn't care whether a song was fast or

slow. He liked to shake, shimmy, twirl, spin and dip. His arms were all over the place and as tall as he was, he was a sight to behold. Mark was totally uninhibited and enjoyed himself thoroughly. After one dance, his daughter directed him to the sidelines with an extra mean glare. I really needed to bring the video camera next time.

I saw Melissa dance several dances with one boy and I pointed that out to Mark. He nodded and said over the music that he was a good kid who had been over to the house. He added that they had a little man to man talk about respecting girls, the word “no” and the pain that could be inflicted by dental tools.

After the dance, Cindy, Mark, Natalie, Melissa and I went into town to the Kingfisher café for a bite to eat. The girls and Cindy talked about boys and Mark and I talked about the State budget. I told him about my meeting with Richard Belson earlier this week and added that next week would be just as bad with the Republican budget coming up for review. Mark had been analyzing the voting records of the Representatives and the Senators and noted the ones that might be willing to jump ship for the other party’s budget bill.

Either party would need one rogue from the other party in the House to vote for their budget bill to obtain passage. In order to get the bill through the Senate, either party would need me to vote for it, but if I voted against it, which I was likely to do based on what I had seen so far, they would need two rogues to swing the vote. We discussed the chances of a deadlock, a shutdown in services and of an extended session. It was still too early to tell, but there certainly did not appear to be any consensus building behind the either party’s program so those issues were a real possibility.

Most legislators wanted to see the session end on time. There was no question, however, that the Governor would call a special the session, which he had the right to do, if a budget was not approved. Special legislative sessions were very expensive. The amount of support personnel needed help the two bodies conduct their business was considerable. The legislators, at least the ones with jobs, didn’t like extended sessions either because of the inroads on their work. I was especially looking forward to the end of the session. I was getting tired of the drive and I needed to spend more time tending to family and client needs. I had not planned or budgeted for an extended session.

We left the café and all headed home.

I was behind in some work and spent all day Sunday in the office. The worst part of it all was that my golf game was really suffering. Pretty soon, it would be spring, and I promised myself that I would start playing regularly once the session concluded.

On Monday morning, I headed back to Olympia. I spent the entire drive talking to Jennifer on the cell phone leaving her various instructions to be carried out during the day.

When I got into the Senate office building, I checked my messages and picked up my mail. One of the messages was from Barney Doyle, my colleague in the Senate who was close to the Republican leadership. I walked down the hall to Barney's office and knocked. At this level of government, the legislators were not all provided with staff. Only senior leaders in each party had receptionists and secretaries. Barney welcomed me in and invited me to sit down.

"John, the Republicans asked me to talk to you about voting for their budget bill."

"What do you think of it," I asked.

"It's not perfect, but I can live with it," he responded.

"I have gone through the draft bill and I am afraid that it does not suit me," I said. "I can't go for the new gas tax, the revenues are still too optimistic, it contains too much pork and the routine appropriations are too high."

"How do you really feel about the budget, John?" he asked and we both laughed.

He added, "I am not here to pressure you John. I merely told my group that I would feel you out and indicate that we would appreciate your support. I understand your point of view completely. I do have one private thought I wanted to pass along, though."

"What is that," I asked.

"This has been a very odd session. The budget has consumed both houses and very little has been accomplished. Not many people have met you or know what you are all about. There has not been much of an opportunity for you to work on any bills. I am concerned that you are isolated. This is a tough place not to have allies."

I responded, "I wasn't expecting to make many friends down here and given my lack of affiliation with the major parties, I expected to be excluded. In addition to that, I am content to be a one-term Senator. I am frankly not interested in building alliances."

"That sounds like a cop-out to me," Barney stated. "You owe it to yourself, the people who voted for you and your fellow libertarians to make the most of your position. You are one of the few third party members of a state legislature in the nation and I am sure you are the only one that represents a swing vote in an equally divided chamber. Try and get something done. Go on the offensive. Don't just sit back and obstruct."

"Barney, what would you be doing if you were me?" I asked.

"I would go on the offensive," he stated. "I would be more visible. You are a party of one. You can issue press releases and hold press conferences without having to worry about pleasing the party leadership. You are the leadership! Take advantage of it"

I thanked Barney for his comments, told him that I would seriously consider them and then left his office.

I went back to my office and just thought for a few minutes. Barney had given me some good advice and I mulled it over for the rest of the morning. Just before noon, I called the attorney for Andrew Webster and asked him about the status of the broadband deregulation bill. He stated that they were having problems with some of the telecom providers over the content of the bill. They were uncomfortable with proposing an open

and deregulated market place. I told the counsel if they wanted me to introduce the bill in its present form, I would be happy to do so. I mentioned that we were quickly coming up on the deadline for bill introduction so we would have to move quickly if it was going to be introduced this session. He agreed to get back to me.

Meanwhile, the Republican budget bill was winding its way through the Ways and Means Committee in the Senate. Hearings were scheduled for this afternoon. I decided to prepare some comments for the committee hearing and I worked the rest of the morning on the comments and my bill to repeal the prevailing wage laws.

I had lunch with James Dill and Tom Bush from the House. I asked them what they thought, in non-specific terms, regarding bills that would deregulate broadband telephone services and repeal the prevailing wage laws. Their initial reactions were skeptical as to the first bill and the second was totally outlandish. I told them that bills were being worked on and that I may have something for them before the cut-off date.

That afternoon, discussion commenced in the Senate Ways and Means Committee regarding the Republican's budget bill. The Governor's office was curiously blasé about the bill and while the Senate Democrats did not like the bill, their speeches seemed rather routine.

I signed up to speak and when my turn came, which was toward the end of the day, there were no Democrats who indicated they would vote for the bill. The chambers became very quiet.

The committee co-chair announced, "The Senator from the 19th district."

I stood up with my notes in hand and began.

"Mr. Chairman, I am so disappointed. I expected better out of my Republican colleagues. The revenues for the next biennium are projected be approximately one percent less than the revenues for the present biennium. The Republican budget shows a growth in expenditures of several hundred million when compared to the actual expenditures for the current biennium. I simply cannot and will not support a budget that provides for an increase in expenditures when revenues are projected to decline. I probably sound like a broken record, but expenditures cannot exceed budgeted revenues."

"There are areas within the State government that can be cut. Every household and every business is having to reduce its budget these days. Times are tough. Incomes are not growing like they were a few years ago. In fact, they seem to be shrinking for most. Shareholders are demanding accountability from their boards of directors. They want their corporations to be efficient because they want share prices to increase and they want more dividends. Shareholders are tired of seeing their money inefficiently used based on a promise of higher growth. They want results now."

"Investors are learning to live on reduced interest payments. Has anyone tried to invest in a savings account, a certificate of deposit, a treasury bill or a bond lately? Interest rates are down and retired people, who rely on dividends and interest to pay their bills, are hurting."

"What makes us think that we can proceed with increasing our budget based on formulas and historical patterns when the State's revenues are shrinking? Business as usual for government means increasing budgets, year after year, regardless of revenues. The problem is that our constituents are telling us that they are tired of business as usual. Why else would they have approved four out of the last five citizens' initiatives to reduce or eliminate certain taxes? They look around and see that we are unable to build things

on budget. Our highway system is in a terrible state despite the fact that gas tax revenues increase every year. Clearly, they no longer trust us to handle their money. They want to starve government and leave us with just enough to get by. They want to force us to get more efficient.”

“I am so tired of hearing that we can’t make cuts that will harm the neediest elements of our society. No one wants to see people go hungry, particularly children. But look at what happens when government steps in to fill every perceived need. Laws get passed. Agencies are enabled to carry out new duties. Facilities are constructed or leased. Employees are hired. Equipment is purchased. And, ultimately, distributions of State funds are made to the beneficiaries of the legislation. But that is not all. Agencies pass rules. They determine who is eligible and how much is to be distributed. Legal rights are established. If the person doesn’t qualify or worse, no longer qualifies after receiving a benefit, he or she has the right to appeal. Hearing boards are created to hear the cases. Lawyers develop practices based on their expertise in representing aggrieved persons before the agency. The agency is required to obtain counsel through the Attorney General’s office. This system creates a windfall for lawyers. It is complex and expensive. It only happens because we keep finding new needs and funding the process year after year without asking ourselves whether there is a better way.”

“Well, I am asking that question now. I want us to re-examine our priorities and determine whether it is really necessary for government to establish and maintain this extremely complex and expensive apparatus of agencies. Only a few of these agencies deal with the truly needy and even for those, I am not afraid to ask the question of whether it is necessary for government to fund their needs.”

“Is it necessary that our State provide free health care? Is it necessary for the Department of Health to regulate hospitals to determine what services that they may or may not provide? Is it really necessary for the Department of Ecology to micromanage the extraction of water from the ground when legal procedures are in place to allow private parties to enforce their rights? Is it really necessary for this State to operate universities or would it better off letting them operate privately. Is it really necessary for the State to micromanage our schools? Why in the world should this body set the salary of each schoolteacher? Why not let each school district, which is governed by its own by elected body, compensate its teachers as they see fit and to charge tuition and other fees so that the users of the system directly pay the costs?”

“We have become so accustomed to the State collecting taxes from remote sources, establishing agencies to regulate or assist certain group, and then redistributing those funds throughout the system in order to subsidize one group or another. It is hard to imagine anything different. We are fostering and perpetuating a system of subsidies. We take from one person and give to another. That process destroys incentives and creates dependencies. It also creates very expensive bureaucracies and the legal infrastructure that feeds off of it. The constituents often hire expensive lawyers and lobbyists to come down here to Olympia to protect their subsidy. That in itself is a waste.”

“Does anyone out there ever wonder how much overhead and inefficiency the system can bear? I wonder about that. The answer is that the system can carry quite a load. Our population is certainly resilient. We are surviving. However, the resilient backs of our taxpayers are being strained to the limit. Our citizens and their employers

examine every nook and cranny of their own budgets to save money and they are now asking the question of why can't we do the same."

"This is the age of computers and of increasing productivity. It is time that we get on board the productivity train because that is what our voters are telling us to do. It doesn't matter if you are conservative or liberal. The voters are telling us to quit wasting their money."

"I am not going to vote for this budget because it is perpetuating the growth in State spending and it does not carry out the people's wishes. Thank you Mr. Chairman."

The co-chair called on a few more speakers and then a motion was entertained calling for vote on whether the bill should pass out of committee. The motion was seconded and there was no further discussion. The vote was taken and the measure passed. Now there would be two competing budget bills that would now proceed to the Senate floor, neither of which would garner my support. The session was adjourned for the day and everyone left.

I headed back towards my office and Barney pulled me aside.

"That was quite a speech," he said.

"I aim to please."

"That was hardly pleasing," he responded. "You made the Republicans sound like spendthrifts and that is really going to tee them off, particularly if the news agencies give you any coverage. I will admit, however, that I enjoy listening to you speak. You are truly a breath of fresh air."

"So what do you think the Democrats will do?" I asked.

"They will just blast you for being willing to sacrifice the most needy in our society in exchange for efficiency."

"Neither party will get the message," I stated. "The message is not about kicking the needy when they are down. The message is that government needs to get back to just performing the basic functions and doing it efficiently."

Barney said, "You may be right, but it certainly sounds harsh."

"It only sounds harsh because it is different from what we have come to expect."

"So where do we go from here?" I asked. "Each side has put forth a budget and, so far, it appears that neither has the votes they need."

"I think we are headed for a giant game of chicken," Barney said. "Are you willing to play your position to the end?"

I responded, "I don't see why not."

Barney smiled and we went back to our offices.

The session was over for the day so after checking my messages, I headed home. I spent the whole trip home on the telephone with a client. He was really hot that I had not gotten back to him earlier, but he settled down after we started discussing his problem. Fortunately, I was able to give him the advice that he needed over the phone. I would have to follow it up with an email after I got home in order to document my advice. The cell phone certainly made the traveling time productive and breeze by, but was not at all relaxing. I swear that I had some sort of autopilot in the back of my head that knew when to turn, brake, accelerate and so on. I was always very tired after getting home and I figured it was due to my brain doing double-time to keep me out of the ditch.

We had a nice dinner and, as usual, after the dishes were cleared, the kids started on their homework and I pulled out some paperwork to work on and started up the laptop.

The kitchen table immediately turned into the war room with papers everywhere and consultations frequently occurring at the side bar. Hank and Oscar were having a little trouble getting started that evening. I asked them what was going on and Hank told me that Oscar had a girl friend. Natalie, who had very big ears at times, wandered in and Cindy stopped to listen also. With all that attention, Oscar was not about to admit to anything so he clammed up. At 9:00 p.m., I had the kids wrap up their work and go to bed. I was too tired to do any more work so I went to bed also.

I woke up the next morning at my usual time and wandered out to get the papers. A headline in one of the Seattle papers immediately grabbed my attention.

**SENATOR CALLS UPON STATE TO ABANDON THE
“MOST NEEDY” – BUDGET BILLS IN QUESTION**

The story’s author, Adam Sandlee, wrote the following story about yesterday’s committee session in the Senate:

Adam Sandlee (Analysis) Olympia, WA. The Senate Ways and Means Committee passed out the Republican version of a draft budget bill yesterday. The Democrat’s slightly more austere bill had been passed out of the committee earlier this week. Neither bill appears to have the support of a majority of either the House or Senate. John Austin, the libertarian Senator from Southport who holds the tie-breaking vote in the Senate, spoke against the Republican bill before the vote. Mr. Austin, a successful business lawyer from the southwest part of the State, has no apparent sense of leadership. His goal continues to be to throw a monkey wrench in the legislative process and create chaos for the State and its residents.

Most Democrats voted against the Republican’s bill for obvious reasons – it wasn’t their own – but it still garnered enough votes to get out of committee. Voting will be another matter on the floor of the Senate. Austin disapproved the bill because it was too rich. Austin, a political maverick, urged the Senate to stop providing services and benefits to the most needy of our society. He stated that serving those needs created inefficient bureaucracies that the State could not afford. He demands brutal cuts in the services provided by the State that would cause untoward harm to indigents and children. He wants to undo the State’s safety net.

This is Austin’s modus operandi. A couple of weeks ago, Austin tried to torpedo the Governor’s budget bill. While that bill made it through committee, it is also stalled in the Senate.

It has become very clear that the finances of this State are being held hostage by one very obstinate individual. The Senate, which is constituted of 24 Democrats, 24 Republicans and Austin, is now in full gridlock. Austin has taken advantage of the evenly divided body and is leveraging his ultra-extreme and fringe position into raw political power. He clearly relishes his role. He is the State’s worst nightmare. He is the perfect storm. Let’s hope that the

Republicans and Democrats figure out a way to work around him so that sanity and reasonableness can be restored to the Senate.

As usual, Mr. Sandlee made me chuckle. I have never met Adam Sandlee, so it was very interesting that he knew so much about how I think. I began thinking about writing a response and I made a note to myself to call the editor of the paper to see if I could get some space on the editorial page for a reply.

After breakfast, I said goodbye to Cindy and the kids and headed off for Olympia. This was going to be an interesting week. The session was nearly half over and the budget was still in limbo.

When I got into my office in the Senate office building, I called Barney Doyle and asked him what the next step would be on the budget. He stated that the Republicans were looking at finding a weak link in the Democrats and the Democrats were probably doing the same.

“Are the Republicans considering making some cuts in order to get my vote or will they add some spending to get some Democratic votes?” I inquired.

“I am not sure,” he responded.

“Barney, I would be interested in meeting with the Republican leadership to tell them what would be necessary to get my vote,” I said.

“I will pass that along,” he said. “They are still pretty hot about your speech, but they just might be interested in talking. I will get back to you.”

We hung up and I made my next call to the editor of one of the major Seattle newspapers that carried the article written by Adam Sandlee. I asked for the editor and was transferred to his secretary. I requested that I be given some space for a guest editorial so that I could respond to Mr. Sandlee’s article. The secretary said that my request would be directed to the editor of the paper’s editorial page and someone would respond before the end of the day. I left my telephone numbers and then hung up.

My next call was to the attorney working on the broadband deregulation bill for Andrew Webster’s group. He stated that the drafting was complete and he had received comments from counsel for several of the telephone carriers. He was going over them now and planned to meet with Andrew Webster and several other principals that evening. He stated that, as far as he knew, his client still desired to present the bill during this session. I reminded him that the cut-off date for introduction of bills was fast approaching and it would be very difficult to get a bill of this nature through committee very quickly. He agreed and stated that he would call me tomorrow. I then started to pencil out a short response to Adam Sandlee’s analysis.

The phone rang and it was Barney Doyle. He stated that the leaders of the Republican Caucus would be meeting at 2:00 that afternoon and they would like me to come by. I agreed to show up.

I spent the rest of the morning working on my response and reviewing mail and pending bills. At lunch, I went out to my car, ate a sandwich and talked to clients over the cell phone. Senate rules prohibited the conduct of private business using State facilities.

At 2:00, I showed up in the meeting room for the Republican caucus in the Senate office building. There were only about ten Senators in the room – the most senior members of the Republican caucus. Barney Doyle was there as well. I shook hands with

everyone and they invited me to sit down at a large conference table. The leader, who normally would have been called the majority or minority leader, but during this term was a plurality leader, was Frank Jennings.

“Gentlemen,” Senator Jennings stated. “Let’s get started. All of you have met Senator Austin, our distinguished colleague from the southwest part of the State. Senator Austin, it is our custom to start each meeting with a prayer. Do you care to join us?”

“Thank you, no” I replied, “I prefer to keep religion out of politics.”

Senator Jennings paid no attention to my comment and indicated for everyone to bow their head. He commenced a short prayer requesting that everyone present be granted the wisdom and patience to deal with the powers and duties entrusted to them and the strength and resolve to deal with the harsh realities pertaining to the finances of the State of Washington.

After the prayer was concluded, Senator Jennings looked at me and stated, “We are one vote away in the Senate from getting our budget passed. We have two options. The first is to attempt to appease Mr. Austin without upsetting the remainder of our group. The alternative is to appease the Democrats. That is the question before us. Before I state what I think, I would like to hear from you, Senator.”

He meant me.

“Senator,” I stated. “I do have a preliminary question. If you were to draft a budget that actually shrunk expenditures from the previous biennium, what are the chances of it getting through the House and being signed by the Governor?”

Senator Jennings replied, “Assuming for the sake of argument only that we would go along, I think we could keep the Republicans together and get it through the Senate. It would be a challenge, but there would be a possibility of picking up a rogue Democrat in the House. The challenge will be the Governor. If he were to veto a bill passed by both houses, the consequences would be enormous. My guess is that the bill would likely pass into law without him either signing or vetoing it. If he is feeling his oats, he may veto it, but he would risk a disaster.

“Thank you for the explanation,” I stated.

Senator Jennings then said, “We do not intend to satisfy your concerns, Mr. Austin. You have made it pretty clear what you want. We are not going there. Our party has constituencies that rely on the budget and they are particularly concerned about transportation. The largest employers in this State want to see massive investments made in transportation infrastructure. This State will not remain competitive with the transportation system that we have. We will continue to propose an increase in the State gas tax. That gas tax rate has not been increased for over a decade and it needs to keep up with inflation. If you have any brains at all, you will see the need for our plan. To do otherwise will simply confirm you as an obstructionist.”

I started to respond, but decided to hold off for a moment.

He continued, “now, we understand that there is a broadband deregulation bill in the works. That will be an important piece of legislation and if you would like to have a chance at passing that bill, you will need to play ball with us. It is as simple as that. What will it be Senator Austin?”

Everyone was quiet for a few seconds.

I was feeling a sense of *déjà vu* and I responded, “Senator Jennings, I appreciate the invitation to your meeting. If you speak for your party, then it is apparent that the

Republicans are dinosaurs. If you want to improve transportation infrastructure, then take a look at repealing the prevailing wage laws and similar laws that drive up the cost of public work. I have seen studies that show that the prevailing wage laws increase the cost of public works projects by up to twenty-five percent. Also, take a look at the design requirements for new road construction. The State Route 18 project, which involves widening the existing roadway from 2 lanes to 4, looks like an airport with a couple of 747 runways. The storm drainage detention ponds are big enough for water skiing. The scale of the project is enormous for what should have been a fairly simple road widening. I could hit a five iron from one side of the right of way to the other. Soft costs for the project probably exceed 40%. Why don't you guys get down to the details of figuring out why it is so bloody expensive to build something? You are doing your constituents a tremendous disservice by proposing to raise taxes. Raising taxes masks the problem. This State must learn to do more with less. It is happening every day in private households and industry and they are doing it because they are forced to. They can't simply raise their revenues on a whim. The State will not learn how to be more efficient if taxes keep getting raised."

"Senator Austin, we appreciate your candor. We, however, live in the real world and we deal responsibly with real world problems. You are living in a fantasy world and it is clear that you are not interested in joining the real world."

"Senator," I responded. "I could say the same about you. You are merely attempting to perpetuate a high tax, high cost way of doing things. It is true that I am just one fellow trying to make a change, but what I really am is a metaphor for an irresistible and unrelenting force for a system of government that costs less. Thank you for seeing me today."

With that, I bade everyone goodbye and left the room. I really needed a breath of fresh air.

I really missed my afternoon golf games with my buddies. I missed my wife and kids and spending time in my office dealing with the real world problems of my clients. This was just like California – a dollar was not a dollar.

I went back to my office and happened across a young man in the hallway outside my door.

"Senator Austin," he said.

I stopped and looked at him. I had seen him before in the Senate hallways. He was about five foot ten, with light brown longish hair and wire rim glasses. He had a rumpled sports jacket with arm patches on the sleeve. He was either a graduate student working on his PhD or a news reporter.

"I am Adam Sandlee and I was wondering if I could spend a few minutes with you for some questions."

We shook hands and I invited him in.

"Do you mind if I tape your comments?" he asked as he pulled out a small tape recorder.

I told him that I didn't mind and added, "aren't you a little late? In Sunday's article, you sounded like you knew me inside and out."

He chuckled and admitted that perhaps he put the cart before the horse. He explained that he wanted to write an article about me for his newspaper.

“Why should I trust you to be accurate?” I asked. “Sunday’s article was a total hip shot.”

He smiled and stated, “I want this article to be biographical. I want to know more about you and your motivations. I promise to keep it objective.”

“I will ask the question again. Why should I trust you?” I inquired.

“You can’t,” he replied. “But most people end up talking to me because they know I will write about them one way or another. They at least want to get a shot at trying to tell me what they are really about.”

I laughed.

“Come in to my office. This may be the dumbest thing I ever do, but let’s see how this goes.”

His first questions were about my educational and work background. It was fairly clear from his questions that he had done some research on me. I chose to not answer questions about my wife and children because I did not want their names to be showing up in the papers. He asked a lot of questions about my law practice, both in Seattle and Southport, my political premises and aspirations, what kind of books I read, my hobbies and interests. I kept my distance with my answers. He seemed disappointed that I did not have a more flamboyant lifestyle. He tried to draw out the usual libertarian issues that caused so much consternation among conservatives, such as drugs, gun control, prostitution, but I spoke more in terms of principles. After about an hour, he ran out of questions. We shook hands and he left.

I was fairly certain that I was going to get butchered if he chose to write a column about me. I did not get a good feeling from him. It probably wouldn’t matter whether I talked to him or not.

The day was nearly over, so I packed up my things and took off for Southport. I spent most of the way home on the telephone with a client dealing with an employment problem.

When I got home and walked in the door, Natalie hardly acknowledged me. She had been growing quite an attitude lately as well as some semi-mature physical attributes. I had always heard that teenage girls were a challenge, but Natalie was still only twelve. She was starting early, but she was still a little girl at heart. She still liked to be read a story and be tucked into bed at night.

“How was your day?” I asked.

“Boring.”

“Is every day boring? It seems like I have heard that before.”

“Daddy, let’s move to Seattle. This place is too boring. There is nothing to do.”

“What kind of things would you like to do?”

“I don’t know. Hang out I guess.”

“Do you like your friends?” I asked.

“Yes.”

“How would you feel about leaving them?” I asked.

“They could come visit - it is not that far away,” she said. “Oh, and I want a dirt bike.”

“What kind of dirt bike?”

“A motorcycle dirt bike.”

“Ok, I will pick one up tomorrow. I suppose I will need to get three because Hank and Oscar will want their own.”

“They won’t know how to ride a dirt bike,” she sneered. “They can’t even flush a toilet.”

“Sweetie, dirt bikes cost a lot of money and they can be dangerous. And there is the protective gear to get also. Have you saved any money to contribute to something like this?

“No. Why should I? That’s your job. Plus the only time I have to work is on weekends and like I’m really gonna waste a weekend doing work.”

I took a deep breath. She was playing with me now.

“It is only my job to put a roof over your head and provide you some clothing to wear, food to eat and some love and direction. I don’t think a dirt bike is in your foreseeable future.”

She rolled her eyes and walked out of the kitchen.

“Call me when it is time for dinner,” she said in her most patronizing tone.

“Yes your highness. What would you care to be served this evening?”

“You know my preferences,” she said airily as she was walking through the door.

The next day in Olympia, I received a call from the Democratic leader in the Senate. He asked me to come by for a meeting of his caucus later that morning. It was interesting that I got the call so quickly after the last one. This could only mean that he was not having any luck in recruiting votes for his budget bill.

When I arrived at the meeting, I was invited in and shook hands with about ten or so Democratic Senators. Senator Richard Belson, who I had met earlier on in the session, led the discussion.

Senator Belson stated, "Senator Austin, we are going to propose some amendments to our draft budget. We see the writing on the wall and we are going to make some cuts. The Governor has been polling every agency to determine the lowest priority of services. The Governor is prepared to make some additional cuts. We want to show the voters that the Democrats are fiscally responsible. We are going to show them who the big spenders really are."

"Will your budget contain any new taxes?" I asked.

"No," he responded.

"Will it borrow revenues from a future year?" I inquired.

He paused and said, "this budget will not use any balancing techniques that have not been used before."

"Senator, I will be very interested in reviewing your bill, but if it contains a bunch of gimmicks, I will have a problem with it. If you keep it straightforward and honest, I will carefully consider it and give you my honest reaction."

Senator Belson smiled and said, "We will take your comments seriously and will make a reasonable effort to obtain your support. We do not have a draft to show you right now. Give us a day or two."

I stood up, thanked the Senators for inviting me in and left the room. I was beginning to feel like a girl being courted by a suitor who was trying to come up with the proper dowry.

I went back to my office, went through my mail and prepared some replies and then spent the rest of the day in committee. I received a telephone call at the end of the day from an assistant editor of the largest Seattle newspaper. She advised that the paper was considering giving me space for a reply and asked to see a draft. After discussing some details, she asked me to provide her a draft as soon as possible.

That night after dinner and working on some client matters, I continued work on my draft response. I was finished by 2:00 am, emailed it to Mark for his comments, printed a copy for Cindy for her comments and went to bed.

The rest of the week was more of the same. Mark, Cindy and I went through several drafts of my reply and shipped it off to the newspaper on Thursday. The assistant editor and I edited some things out to meet space limitations and agreed on a final draft. I had also finished off my draft of my bill repealing the prevailing wage laws. I had submitted to the Senate Government and Operations Committee and it was now being reviewed by legislative staff.

Cindy was starting to get pretty snippy. The pace for me was brutal and I hardly had any time for her or the kids. She was feeling like she had an absentee husband.

There wasn't much I could do at this point. I was barely keeping up with client demands and the Senate was just starting to get interesting. Things would get back to normal quickly enough.

On Friday morning of that week, I got up early as usual and went out to get the papers. After sitting down at the kitchen table and thumbing through the main section of the Seattle paper, I came to the local/regional section and saw Adam Sandlee's name. His headline story was again labeled analysis and stated as follows:

LIBERTARIAN SENATOR ATTEMPTS TO STARVE GOVERNMENT

John Austin is a well-to-do lawyer from the town of Southport. Southport, which is a delightful town on the Coast of approximately four thousand, is primarily known for its timber and fishing. Southport is remote, but Austin has connections to large law firms in Seattle and the high tech industry. He appears to enjoy throwing his weight around Olympia.

Austin is the only State Senator that is not affiliated with the Republican or Democratic parties. He is a lone wolf and he is responsible for putting the competing budget bills put forth by both of the major political parties on ice. He would be just another face in the crowd if it were not for the fact that the Senate is evenly divided between Democrats and Republicans. He has few friends in Olympia and does not appear to be making any new ones. He has little or no concern if he throws the State into a financial crisis. He doesn't care if financial gridlock throws thousands out of State employees out of work or results in the cut-off of welfare benefits. His job, which he relishes, is to throw a monkey wrench into the gears and pulleys of the State.

As a third party elected official, he could be a moderator. Many skilled politicians would love to be in his shoes – free of party constraints to toe the line. A skilled politician would be using his or her powerful position as the swing vote to broker and cement needed legislation. Instead, he is an unbending ideologue whose only mission is to create havoc.

Austin's election victory was a fluke and likely will not be repeated. He has no prior political or governmental experience. His campaign was run on a shoestring. His campaign treasurer and chief strategist is and remains his dentist, Mark Dilbert. Austin did not have to go through a primary and his Democratic and Republican opponents were a couple of over the hill local politicians who hardly put up a fight. An Election Day storm kept thousands from voting and he squeaked by with the smallest of pluralities.

This lone wolf now threatens to block all attempts by the Republicans and the Democrats to forge a workable budget. He could cause the needless of expenditure of thousands if not millions of dollars of State funds by forcing the Governor to call a special legislative session in order to get a budget passed.

John Austin represents all things that are wrong with third party politics. Third parties represent the extreme interests of our society. They are the jack-booted iconoclasts who care nothing about the will of the majority. They delight in setting up roadblocks to progress. Let us hope that the interests of the people of the State of Washington can be served during this difficult time that the legislature remains in a delicate balance. Let us also hope that this experiment in third party politics will go the same way as the steam locomotive.

I re-read the article and tried to find some of the facts that we spoke about during the interview but couldn't. At the very least, the paper should have put the article on the opinion page. I am not even sure why Mr. Sandlee even bothered interviewing me. He did not use any of the information from our interview. All I saw were opinions and conclusions. I doubted whether I would be speaking to Mr. Sandlee again.

On the way up to Olympia that morning, I spoke to the attorney working on the broadband deregulation bill. His clients were ready to introduce it. He indicated that despite my being very unpopular in Olympia, his clients wanted me to be a sponsor introduce the bill in the Senate. I told him that I was probably the most unpopular man in Olympia at this moment and many legislators, particularly the Republicans, would love to torpedo anything that I wished to propose. The attorney stated that his clients were well aware of the facts but would like to proceed nevertheless. We made arrangements to meet later that afternoon. The cut-off date for introducing new bills was soon approaching.

Before I pulled into Olympia, I listened to a live interview of the Governor over a Seattle radio station. The Governor stated he had been rethinking his position on the budget and come to the realization that some cuts in services and State employment were inevitable. He stated that he would be proposing amendments to his bill that would reflect these new realities. He was asked about me, not by name, but as the third party candidate who was causing so much havoc in the Senate.

The Governor responded by saying, "I met with Senator Austin at the beginning of the session and I had the distinct impression that he was a sincere and capable man. I obviously do not agree with his ultra right wing premises. History has shown that a strong central government is necessary to provide services that private entities will not or cannot provide and to regulate the excesses that private enterprise inevitably creates. Nevertheless, Senator Austin has brought a different perspective to the political process."

The interviewer responded, "Do you mean to say that the Democrats will be designing a budget to meet his criteria?"

"No," the Governor responded. "We will not be able to satisfy him. But, we will present amendments that will represent affordable government. We hope to have his support."

The interviewer then asked, "Won't the Republicans be doing the same thing?"

"You will have to ask them," the Governor stated.

The interview went off into other areas that did not concern me. By that point in time, I was parked in the Legislative Office Building garage. I turned off the car and went inside.

I spent the morning in Technology and Communications Committee. During a break, I approached the Democratic co-chair and told him that I might be introducing a

bill at the last minute. He told me the procedures in a rather skeptical manner and then we chatted for a few moments. He asked if I was working on broadband deregulation and I responded that I was, but that software and telecom counsel were continuing to work on bill language. The co-chair was very smooth and he did not show any surprise or negative reaction. He probably knew more about bill than I did.

I had lunch that day with my usual group of Barney Doyle, James Dill and Tom Bush and Ryan Garvey. They gave me quite a ribbing about being an obstructionist. Then we got to more serious business.

“It sounds to me that the Democrats will be amending their budget bill to reduce expenditures,” I stated. “What are the Republicans going to do?”

“I shouldn’t say this but you will know it soon enough,” Barney said. “The Republicans are going to go on the attack. They are going to propose more spending, particularly on transportation, and they are going to roast you and the Democrats for cutting back government and employment during a recession. This is not for attribution.”

Everyone nodded. He had just revealed a significant strategic proposal that was probably intended to have an element of surprise. His disclosure indicated that he was not very happy with his own party. During the rest of the lunch, I had thoughts swirling in the back of my head that Barney might be the one to break away from his party on a vote for a budget bill.

After lunch, I headed back to my office to meet the attorney who was working on the broadband bill. He explained the elements of the bill and he added that it had the support of many major software manufacturers in the Puget Sound area but that support from the telecom carriers was problematic. They liked the provisions that restricted local governments from regulating new line installations and dictating the terms of service, but they were troubled about the part that did away with price regulation and entry barriers governed by the Washington State Utilities and Transportation Commission, known as the WUTC. Apparently, the carriers were worried that without regulation, prices would be driven sharply down by competition. That would not have been a concern ten years ago, but now that wireless and fibre optic providers provided an alternative to the copper line carriers, they were very nervous.

The attorney indicated that his clients did not expect the bill to pass this session and the real purpose was to introduce the concept and test it before the legislators. He also made it clear that his clients wanted me to introduce the bill in the Senate and a Republican Representative from Redmond, Washington would introduce it in the House. He wanted to have the bill be introduced early next week in the Communications and Technology Committee of the Senate and in the Technology, Telecommunications and Energy Committee of the House.

At dinner that night, the kids started bugging me about spring break, which was a few weeks away. I had to tell them that a spring break vacation was not in the cards and there were some unhappy faces around the table. That did not make sense to them. Natalie really wanted to go Miami Beach or Cancun.

“I suppose you would like to meet some boys and party with the college kids,” I stated.

She looked at me with that look that her mother often gives me and did not bother answering.

I worked on office business the rest of the evening and did not get to bed until midnight.

Saturday was more basketball games and a rare date night for Cindy and me. She was in a really crummy mood so it was pretty quiet during dinner. There wasn't anything I could do to cheer her up.

When I woke up Sunday morning, I went out to grab the papers. I found my reply article on the editorial page of the major Seattle paper. It stated as follows:

Living Within Your Means
by: John Austin, State Senator, 19th District

In Southport, the residents work hard to make a living and they live within their means. The city of Southport operates on a very limited budget and it also lives within its means. When the budget is short, the city has no choice but to cut back. It does no good for the city to borrow revenues from a future year. To do so would just result in a shortfall in the future year – the budget would not be sustainable.

The State of Washington is just a larger version of Southport. Regardless of your political preference, there is no getting around the fact that the State must live within its means. Borrowing from the future is a short-term solution that can only lead to long-term problems. The draft budgets that have been presented to the Washington State Senate during the last few weeks by the two major parties both borrow from the future. They continue to grow government expenditures while the State's revenues are shrinking. Neither party appears to understand that the State must live within its means and so I will not support either bill.

But that is not the only reason that I will not support the bills. Every day, households and businesses are being forced to become more productive. Computers, creativity and hard work are leading to significant increases in productivity. Every business and every household is learning how to do more with less. During these tough times, productivity increases are all that we have to maintain our way of life. Are the State government and its various agencies becoming more productive? I don't think so. They haven't gotten the message and they have not been subjected to the same pressures as you and me. It is about time that changed.

The cost of commercial jets manufactured by our State's largest employer is dropping. The going rate for a jet liner is approximately twenty-five percent less than just a few years ago. Is the cost of State government dropping? The answer is no.

Even in our depressed economy, the revenues of the State will only be slightly less in the next two-year biennium than that collected in the current biennium. But keeping the level of appropriations in line with the

revenues results in “savage” cuts according the Democrats and the Republicans. I say, that is the way life is and we all must adjust.

Government has been acting as if it was immune the economic forces affecting our businesses and households. Families and business have been forced to get by on less. The economic environment has forced change on nearly everyone. People are tired of paying approximately forty percent of their income to the State and federal governments. The people have spoken and they want to retain more of their income. They have their own children, obligations, medical care, retirement, housing, churches, charities, interests and hobbies to think about. The people think that they can spend, invest or give away their money more wisely than the government can! They are tired of red tape, high overhead, complex laws that only legal specialists can understand and the inordinately high costs of maintaining this complex system. Cutting the system back isn't savage. It is respectful of the rights of the people. That is why I cannot support either of the budget bills presented by the Republicans and Democrats.

It was going to be really interesting to see what my mail was going to look like for the rest of the week.

We had a nice, quiet Sunday with no kids' activities. The telephone rang a few times from constituents commenting on my article. For the most part, the comments were positive.

The next morning, I went into my office in the Senate office building and waiting for me was a draft of the broadband deregulation bill. I went through it in detail and was comfortable with its contents. I passed the bill along to the code reviser for a final review and composition and then continued to read letters and emails. So far, the correspondence to me was a mix of positive and negative messages. The negative messages could get a bit nasty, but that was part of the job. I saved the really nasty ones in my file for the police in case I was found lying dead in a ditch some day.

I received word later that day that the broadband bill had passed legal review and would go to the printer for copying. The plan was for me to submit the draft bill to the Senate Technology and Communications Committee tomorrow and it would be introduced to the House at the same time by the Republican Representative from Redmond.

Later that day, both the Democrats and Republicans introduced amendments to their budget bills into the Senate Ways & Means Committee and the House. I began studying them along with explanatory memos produced by each of the parties. The Democratic amendment did not have any tax increases and contained some additional cuts, but not enough for me.

The Republican budget amendment was definitely headed in the wrong direction. It called for more expenditures than the original Republican bill. Both the Republican and Democratic bills were being put on a fast track. Committee hearings and review would take place over the remainder of this week and floor debate was scheduled to take place next week.

I reviewed other draft bills and responded to mail for the rest of the day. On the way home that night, I called Mark and asked if I could come by after dinner. I showed up at his house at about 7:30 pm with my briefcase in hand. I gave him copies of the budget bills and the broadband deregulation bill and we started through them.

“The Democrats are at least trying to do some cutting,” he said. “But the Republicans are just loading on more pork. What if you were to submit your own budget bill?”

“It would be a waste of time,” I responded. “I would have to conjure it up out of thin air and I would not be able to get any effective input from the agencies or the Economic Forecast Office. Both parties would torpedo it.”

We argued over that point for a while. Mark, who was much more doctrinaire than I, was getting frustrated.

“Your position is much too soft!” he shouted. “You are a libertarian – it is time that you start acting like one.”

“Mark, I have made my philosophy clear from day one. I do not need to keep beating people over the head with it.”

“Fine, but this one percent thing is just too passive. Tell the dirty bastards to start cutting and you will let them know when stop.”

“They will ask me to be specific. I hate playing car dealer.”

“What does that mean,” he stated.

“Well, it can be very difficult to get a dealer to give you the actual price of a car. Everyone knows the advertised price is meaningless. They usually start off with a question along the line of ‘how much would you be willing to pay for this car?’ When you respond with a number, they will leave you alone for a few minutes and come back and say ‘the manager says your number is too low. Can you increase it, even by just a little bit?’ They will keep working that program until you refuse to modify your offer. At that point, if you are lucky, you may get a counter-offer. That counter-offer will be the first real position that they take. The lesson is that you never, ever modify your offer unless you have received a counter-offer made in good faith. You must hold firm and be prepared to walk until you get a counteroffer. Once you get a counteroffer, then you can respond with a modification if you think it is necessary.”

“Thanks for the lesson John. Now what does this have to with the budget?”

“The point is, that I need to be specific. I don’t want to just tell them that their figures aren’t good enough. I don’t play car dealer.”

“hmmph,” Mark stated.

It was already about ten o’clock and we hadn’t even gotten started on the broadband bill. I was tired and Mark was getting more and more agitated. We decided to call it a night and to reconvene tomorrow evening.

The next day in Olympia, I made an appointment to see the Republican leader in the Senate, Frank Jennings. After we shook hands and exchanged pleasantries, I told him that his party’s most recent amendment were headed in the wrong direction and there was no way that I could live with it.

Senator Jennings, as smooth as usual, did not appear surprised and responded, “We do not negotiate with individuals over major legislation. You made your position clear the other day. We are not attempting to appease you. The Democrats are going to have a very tough time keeping their troops in line with the austere bill that they have

offered. We think we will pick up one two of their people in both houses. We will wrap up this process before you know it and, by the way, you might as well forget about your broadband deregulation bill.”

“Thank you for meeting with me Senator,” I responded and I left his office.

I next tracked down the Democratic leader of the Senate, Richard Belson, and he took a couple of minutes to meet with me. I told him that I thought his bill was headed in the right direction, but I was still troubled by the level of expenditures. He responded that he did not think that additional changes could be made but he appreciated my coming to talk to him. He was trying to keep the door open. We shook hands and I went back to my office. I spent the rest of the day in committee.

The Technology and Communications Committee had started taking testimony on the broadband deregulation bill. It was very interesting that the proponents of the bill were computer people of all types - software, hardware, chips, memory, routers, etc. The common theme among them was that the lack of capacity to carry heavy loads of data at fast speeds was impeding the entire computer industry. The computer people were openly derisive of the telecom carriers who they characterized as living in the horse and buggy era. They complained that the only way that broadband capacity would be developed was if the market was completely derestricted so that prices could float, new ventures could enter the market at will and new facilities could be installed with a minimum of red tape. They saw the WUTC and the local governments as forces protecting the telecoms from the marketplace and, as a result, consumers were not being served and needed investments were not being made.

On the way home that night, I spoke to Mark for a few minutes and we confirmed our meeting for this evening. I would bring Natalie by so the girls could study together.

At dinner that evening, Cindy stated she was really getting tired of the pace of things. The weekdays whizzed by without our spending much time together. I was out of house first thing in the morning and never got home before six. I told her that I was working on a plan to negotiate with the Democrats to get their bill passed and that the last thing I wanted was a special session. I was getting tired of the pace also and I wanted to get back to our normal routine.

After dinner, I took Natalie over to Mark’s house. We spread out our papers while the girls went up to Melissa’s room.

“The Republicans are hopeless,” I stated. “They are confident they don’t need me. They are going to try and win this thing with pork.”

“You aren’t thinking about caving in to the Democrats are you?” Mark exclaimed.

“I am not going to cave in to anyone. I do think that the Democrats would very much like to give the Republicans a big kick in the ass and would be willing to at least listen to what I have to say,” I stated.

“You’ve got to be kidding!” Mark shouted. “These are Democrats that you are talking about. Half of them are socialists. They aren’t going to listen to you. What have you been smoking?”

“I have not been smoking anything.”

Mark started getting visibly upset, which was rare for him, and yelled, “you are a libertarian. Propose a libertarian budget. There is no way you can get a libertarian result out of the Democrats.”

“Mark, I am only one guy. Let’s be realistic about what I can accomplish. If I present my own budget, it will go nowhere. The major parties will work around me and my opportunity will be wasted.”

“I can’t believe what I am hearing. Your lawyer training is telling you to go make a deal. You are going to give libertarians a bad name.”

I breathed deeply and held back my inclination to let loose with some dentist epitaphs. “Mark,” I said calmly. “If I can get the Democrats to cut expenditures so they match revenues without resulting to borrowing or gimmicks, it will be the biggest coup that you have ever heard of in State politics. The Republicans will be flushed down the toilet, at least temporarily. The Democrats will be roundly criticized by their leftist followers but praised by the high tech new left and I will have given the libertarian label some major leverage. I have been in office for a few months. I am not going to turn this State around in that short a period. If I can get it to start to change direction, create some goodwill and help get other libertarians elected in future elections, then we will have really accomplished something. If we take ourselves out of that process, I will be ineffective and my win will only be an interesting footnote in State politics.”

Mark did not give up easily and his shouting continued. Melissa and Natalie poked their heads down the stairs a few times to make sure we weren’t throwing any punches. After a few more minutes, Mark could see that I was not going to give in. We agreed to disagree, although he was not very happy.

My point to Mark was that I just did not want to be someone who said no. In my years of practice, I had run into many lawyers who were deal killers. The deal killers were either total head cases whose concept of personal victory was more important than whatever their client wanted or were in way over their head on a problem and did not realize that their actions were jeopardizing the parties from reaching an agreement. A good lawyer knows how to put together a deal even when the parties have animosity for each other. They take the emotion out of the proceedings, identify the problem points and tackle them one by one by finding common ground on each issue. Once an issue was resolved, it is put aside for the next one. The easy issues are usually tackled first. Putting together a transaction or a settlement was a process of elimination and narrowing down the issues. Bad lawyers screw up deals by forever expanding the issues. They can’t seem to divide a disagreement into its elements and deal with the issues one by one. They continually raise issues instead of narrowing them down. I was telling Mark this and after a few minutes, his eyes started to roll.

“Why don’t you teach law in the next stage of your life?” he said. “You certainly like to lecture.”

As Mark and I poured over the budget, we focused on the parts that did not contain federal mandates. We reviewed the headcounts of various State agencies, including the Departments of Transportation, Health, Social and Health Services and Ecology and looked closely at their programs. We came up with some reductions on headcounts and program expenditures that would allow the budget to be run without the borrowing and gimmicks contained in the Democratic version of the budget. This would hardly be a libertarian budget, but it would bring expenditures into line with revenues. It wasn’t much, but that was what we settled on.

It was past 10:00 p.m., so I grabbed Natalie and we headed home. Tomorrow was a school day for her and a work day for me. In the back of my mind, I was figuring out

how to maintain communications with the Democrats. I wanted to make a deal come together on the budget for a whole bunch of reasons.

The next day in Olympia, I spent the morning in the Technology and Communications Committee listening to telecom executives warn about the dangers of deregulation. However, an interesting thing was happening. Andrew Webster and his group had started a public relations and lobbying campaign about the bill. The telecom executives were getting a real grilling, particularly by the Democrats.

During the lunch break, I went to find the leader of the Senate Democrats, Richard Belson. I did not find him, but I did find his aide. I requested that a few minutes be set aside this afternoon for me to meet with him. Just after the committee session started in the afternoon, the aide tapped my shoulder and whispered to me that Senator Belson would see me at 3:30 p.m. in his office.

It was difficult to see where the broadband bill was headed. It was apparent that there were some powerful forces behind the bill. It was common knowledge that a lot of the computer people in the State supported Democrats and it was interesting to see how the Democrats were responding. I didn't know for sure, but it appeared that the telecom interests must be heavily supported the Republicans because, for the most part, they appeared to remain intransigent.

At just before 3:30 p.m., I excused myself from the hearing and made my way up to Senator Belson's office. He invited me in. Despite some contentious meetings in the past, he greeted me warmly.

"How is your budget bill doing?" I asked.

"Those goddamned Republicans are telling us that we are cutting their programs all to hell," he said. "In thirty years of doing this, this is the first time that a Republican has accused me of being too tight on spending."

"Times are changing," I said. "You will probably be voting for my broadband bill next."

He smiled and said, "What would you like to talk about?"

"I will vote for your budget bill if you can squeeze another few hundred million out of it. I have looked at the budget and think that figure could be accomplished by some cuts in the payrolls and programs of the Departments of Transportation, Health, Social and Health Services and Ecology. If you do that, the budget will balance without any borrowing and gimmicks."

I handed him a summary of my figures. He didn't say anything for a moment and he gazed off through a window.

"Do you have any idea what we had to go through to get our existing bill out the door?" he said. "I have been accused of abandoning every ideal that I have ever stood for. We are taking hell from our constituents and the press is totally confused by our position. If we cut any more, we are going to be tarred and feathered."

"Senator," I responded. "I am only negotiating with you and I will continue to meet with you on a cooperative basis until you tell me not to. The Republicans have blown me off and I do not plan on having any further discussions with them. Here is how I see the situation. You need only one vote to get your bill through the Senate, which would be me, and I will bet you that you can pick up a Republican in the House if you do what I suggest. It will be much easier to work with me on this issue as opposed to the Republicans. If you decide to ignore me, you will have to negotiate with them and who

knows what kind of sausage will come out of that process. I realize that it is probably not palatable for you to cut the budget, but think about the process that will result if you have to work with the Republicans. They will think that they have the upper hand and will be very difficult to deal with. Once you open negotiations with them, you will get a floodgate of demands. Most importantly, however, you will be doing exactly what the taxpayers don't want. There is a clarion sounding telling all levels of government to get more efficient. You have the opportunity to make the Democrats be the party that represents fiscal responsibility. You can kick the Republicans right in the teeth on this issue and lambaste them for representing special interests that rely on more spending. You have the opportunity of labeling them as the party of big, inefficient and wasteful government."

"You are a very persuasive young man, Senator Austin," he replied. "I suspect that you are an effective lawyer and represent your clients very well. My colleagues and I will consider your comments and will respond. Time is getting short in the session, so I will be back to you within a few days."

We shook hands, I left the room and went back to my office. Committee meetings would be over by now and the day was nearing an end. I was very curious to know about the inner workings of the broadband bill so I called the attorney for Andrew Webster.

I had the direct line to his desk and he picked up the telephone on the first ring. The attorney was a government affairs specialist with a large firm in Seattle. He was very smart, but certainly had a different background than me. After law school, he clerked for a federal judge and then went to work for Congress as a legislative analyst. He later made his way into private practice and he spent most of his time lobbying and consulting with private clients on legislation. When the State legislature was not in session, he spent a lot of time in Washington D.C.

He explained that Andrew Webster and his group were trying to lever their influence with the Democratic Party and that the broadband bill was a test case. He noted that the politicians were very interested in courting technology interests and but were torn in representing traditional labor constituencies. He added that the Republicans were in a state of confusion about the bill for a bunch of reasons, including the fact that they were heavily supported by the telecom interests which were pushing for the bill's defeat. He also noted that the newspapers were picking up on the bill and that he had spent a lot of time with reporters trying to explain it.

I asked him whether Adam Sandlee was one of those reporters and he responded affirmatively. I told him about my experience with Mr. Sandlee and he chuckled. He said that Mr. Sandlee had his own view about things and was rather unpredictable.

The attorney concluded that the prognosis for the broadband bill was very iffy and he would be very surprised if it passed. The cities, counties and WUTC staff were lobbying intensively against the bill and their opinions carried a lot of weight with the legislators.

We hung up and I headed home.

At dinner that night, the kids were very excited about their upcoming basketball games. Everyone's team had made it into the playoffs and the first round started tomorrow. Cindy and I enjoyed watching the kids play, but we dreaded whenever they lost. Natalie handled losing pretty well, but the boys were impossible.

I spent the evening and early morning hours on legal work. Somehow, I was managing to keep up. Jennifer, my secretary, had been taking paralegal classes in Aberdeen in the evenings and her capabilities were steadily growing. She had also become certified by the Pacific County Superior Court to present uncontested motions and orders to the Court Commissioner. Having her available to help me on basic tasks was invaluable. Jennifer noted that she was getting a bit worn down by the workload as well, and suggested that I think about hiring an associate and someone to catch the telephone.

Fortunately, the kids won all their games that weekend so we went out on Saturday night and celebrated. Melissa played on Natalie's team so she joined us along with coach Mark. We were also pleasantly surprised that Cheri James also came along. Apparently, Mark and Cheri had been seeing each other, although things were very tentative.

As we sat down at a large table at the Kingfisher Café, everyone was jubilant and talkative, although Mark was still hot about my budget position. Cheri asked me how things were going in Olympia and I remarked that we may be witnessing an historic turn-around with the Democrats offering up a significantly more financially conservative budget than the Republicans. When Cheri excused herself for a moment, I brought Mark up to date on the discussions I had with the Democratic leader of the Senate. I did not want to make those discussions public at this point.

Dinner was served and I asked Cheri whether she had gone dancing lately with Mark. Cindy kicked me under the table.

Mark, who had been hearing comments about his dancing for his entire life, simply smiled.

We all parted from the restaurant by about nine o'clock and headed home.

Sunday was a quiet day and I took Cindy to brunch so that we could have some time alone. She was holding up pretty well but she was not a happy gal. Our previously relaxed and organized life was in total disarray. She disliked my evening and weekend work and detested the fact that I was getting telephone calls from constituents and lobbyists at home. She used to live a pretty hectic life herself and one of the reasons that she wanted to move down here was to slow down. She saw her life style slipping away and she feared that my renewed pace of life was permanent.

There was no way I could have carried out this pace when the kids were younger and also, it would have been even more difficult to try and be a Senator while living in Seattle and working in the big firm. The commute itself would have been a killer. The stretch of I-5 between Seattle and Olympia was very congested and slow. To make matters worse, it rains a fair amount in Western Washington, particularly in January and February and whenever it does so, the traffic really binds up. The pace was barely achievable living and working in Southport.

At brunch, Cindy and I started to make some vacation plans after the end of the session. We had taken very few vacations away from the kids but we felt the need to do so now. I tried to convince her that I did not foresee this pace to continue and added that next year's session was only for eight weeks and the legislature would not have to deal with the budget. She still seemed skeptical. I suppose all marriages have their ups and downs and we were definitely in a down mode.

On Monday, when I arrived Olympia, I went into the Technology and Communications committee meeting and the first order of business was whether to pass the broadband deregulation bill out of committee. I was not involved in the backroom discussions of the other parties so while votes on these matters were often a foregone conclusion, I did not have the inside information as to which way the major parties were leaning. There did not appear to be any clear voting lines. The Senators representing the Greater Seattle area were generally in favor of the bill. That was certainly the area that had the most high tech influence. Senators from the rural districts were skeptical. A motion was made and seconded to pass the bill out of committee. The co-chairmen asked for discussion on the motion. I added my two bits worth in favor of the bill, which I was certain, was meaningless to the other Senators.

On a very close vote, the bill was passed out of committee. The vote didn't mean very much because all that meant was that bill would be introduced to the entire Senate and would be eligible for floor debate and a vote.

Just before lunch, an aide for Senator Belson asked if I was available to see the Senator at 1:30 pm. I told him that I would be pleased to see him. I also accepted an invitation to have lunch with my usual group downtown. They might be hurting themselves with their own party to be seen regularly with me, but, for whatever reason, they continued to include me in their invitations. I enjoyed each one of them and always looked forward to our lunches.

We met as usual just after noon. I told them that I wasn't sure, but I might be opening negotiations with the Democratic leadership on the budget. Barney Doyle and Tom Bush nodded understandingly. From our prior discussions, they knew how I felt about the Republican approach to the budget.

"So, do you think the Democrats will cut any more?" I asked.

"It depends on how much they hate us," Barney stated.

"How so?" James Dill, a House Democrat asked.

"If the Democrats really want to drive a stake through our hearts, they will deal with John and come up with some more cuts. My party is taking a gigantic risk with its present course," Barney stated.

Barney was clearly at odds with his own party over the Republican version of the budget.

Discussion followed about what the Democrats would do. Ryan Garvey, our Democratic Senator, said that the leadership was playing this one very close to the vest and the rank and file had not been advised of the party's position.

We broke up at about 1:15 pm without having resolved the State's problems and we headed back to the State campus.

At 1:30 pm, I showed up at Senator Belson's office. I was invited in and shook hands with him and several other Democratic Senators.

Senator Belson started. "Senator Austin, we have carefully considered your offer. We are unable to accept it but we do feel that you have laid a basis for further discussion. We have a counter-offer for you."

At that point, one of the Senator's aides passed out one page of paper to everyone present. He stated he would collect the pages before everyone left the meeting. The page

was obviously not for distribution nor attribution. It was entitled “2003-2004 Budget Revision No. 2.”

Senator Johnson, from the northwest part of the State, who was second in command of the Senate Democrats, began explaining what was on the page. The page contained several columns of appropriations to the State agencies. Senator Johnson reviewed amounts and highlighted what had changed from the prior Democratic proposal and my proposal.

After about thirty minutes of review, Senator Johnson asked if there were any questions. I inquired whether the Governor stood behind these figures as well as the House Democrats. Senator Belson responded that the Governor supported the figures and that the House would likely follow the Senate’s lead.

The figures showed some additional cuts, but they were still short of what I thought was needed. The expenditures still did match the natural level of revenues. While I was encouraged at the progress, we were still far apart. I was not interested in communicating my thoughts to the Senator at this point. I did not want to make the next step until I had time to think about it. I really wanted some time alone to study the figures alone with Mark. I asked how long I would have to provide my response and Senator Belson stated he wanted it right now. I had learned long ago not to be pressured into making a quick decision and there was simply too much riding on this to give an immediate response. I asked to have until 9:00 am tomorrow to provide my response.

Senator Belson stated that he was very concerned that the figures not become public information. He stated that the Democrats would be taking a beating for proposing a budget like this and it would be very harmful to have its negotiating position publicized. I responded that the only person that I would discuss them with was my campaign manager and I pledged to not copy or distribute the materials.

Senator Belson pondered for a minute and consulted with the other Senators. He then stated that he would allow me my request. He added that if word got out of the figures on the page that that would be the last time that he would ever negotiate with me.

I acknowledged his statements and left the room with a copy of the offer in hand.

I immediately called Mark and we made arrangements to meet that evening after dinner.

On the way home that night, I spent nearly the whole time speaking with a client regarding an employment issue and I was home before I knew it.

After dinner that evening, I took Melissa with me over to Mark’s house. The girls worked on a project while Mark and I went over the Democrat’s figures. As we studied the figures, from what we could tell, they looked legitimate, but represented only a minor modification from the figures that I had been shown previously. Mark was still upset about our last meeting and was afraid that I was going to cave in.

After a lot of discussion, we both agreed that the proposal was a good faith effort but was still not acceptable. Mark was very relieved. We figured there was still time to play some poker and if I capitulated at this point, I would be compromising my position and be playing way too easy.

We concluded our meeting at about ten o’clock and I took Natalie home.

I showed up at Senator Belson’s office at 9:00 am the next morning and his aide admitted me. I handed back the copy of the page that had been passed out yesterday.

As promised, I had not made any copies of it nor had I discussed it with anyone except Mark.

I told Senator Belson that I greatly appreciated his efforts but that I could not vote for an appropriations bill containing the numbers on the sheet. I restated my position that appropriations must match the natural level of expenditures.

He grimaced, shook his head and I left the room.

The cut-off date for new bills had passed so now I would be spending most of my time in my seat on the floor of the Senate. My bill to repeal the prevailing wage laws never made it out of committee. It hadn't even received a hearing.

After the meeting, I checked my mail in my office and then headed down to the Senate floor. I listened to debates on various bills through the morning and tried to read as many as I could. As I expected, it was a rare situation for me to actually vote for a bill. Most bills attempted to create new powers for the State. During my whole time in this session, I had not come across any bill that actually repealed a statute.

During the afternoon, the Democrats introduced Substitute Senate Bill 3856, which contained the Democrats' revised budget figures. The bill was consistent with the figures provided to me yesterday by the Democratic leadership. The initial speeches consisted of presentations explaining the details of the bill. The session adjourned in the afternoon with no real fireworks.

The next morning, the real debate started on the Senate floor. The Republicans came out swinging against the Democratic bill and argued that the State needed to be making more investments in infrastructure – not less. They threatened that our major employers would be leaving the State unless they saw a substantial commitment to infrastructure spending.

Many Democrats were not very happy about their own bill but several appeared to recognize the reality that cuts were needed.

As the day wore on, the debate became more and more intense. The two parties were at loggerheads. The Governor came down at one point to view the proceedings. At a press conference during the early afternoon, he stated he hoped that a vote would occur tomorrow and he hoped for an amicable resolution so that the State could begin the real discussions of how to solve its problems.

A substitute House bill containing the Democrats revised budget was proceeding in the House of Representatives at the same time.

During the mid afternoon, I signaled the President of the Senate that I would speak on the bill. When my turn came to speak, I had my penciled notes all set.

I stood up and said,

“Thank you Mr. President. My fellow Senators, this is not a perfect bill. In my view, it contains far too much spending. Our agencies are still bloated with staff and bureaucrats. It remains heavily driven by federal spending requirements, particularly in the Medicaid area. However, in my view, this is a first step. The State of Washington has been taking an inordinate share of the incomes of its residents to run its operations. This budget actually reduces the State's participation. It is a down payment on what our constituents demand.

Once our constituents get a little bit of their money back, they will want more. Make no mistake. Politicians have been growing the budget since World War II. We will not be able to wind it back to even the 1950 or 1960 percentages without significant structural changes and without relaxation by the federal government.

Instead of asking for more money to build highways, roads and bridges, we will be asked the question of why we can't do the job with existing revenues. With respect to State construction projects, we will need to look at issues like design standards, prevailing wage requirements, workmen's compensation and more. We simply cannot pad inefficient processes. Inefficiency results in waste. Private business is cutting down waste and so must we. There is simply not enough dollars to go around to keep funding the current levels of waste.

I have reviewed this bill carefully. It has many flaws and, as you probably know due to my party affiliation, I have significant concerns with maintaining the principles of limited government. Limited government means that government must not stray from the essential purposes of providing police protection, courts and facilities to incarcerate those who aggressively use force and fraud to achieve their means. Government has gone way beyond those essential functions and it will take many years to unwind that process.

I would like to vote for this bill to show my appreciation to the Democratic Party for making additional cuts. I applaud my Democratic colleagues. The Republicans who have been pleading for the defeat of this bill are doing so because they want more spending. They are taking the same easy way out that politicians have traditionally taken. Instead of figuring out how to get along with less, they would rather spend more. Let's label them for what they are – big spenders – and let's reject that style of government.

Notwithstanding my applause for the Democrats on this issue, I am still unable to vote for this bill. Appropriations still exceed the natural level of revenues that will be generated during the next biennium by our existing tax code. The bill still relies on borrowing from the future and deferrals of expenses. To my fellow Democrats, I say make those additional cuts to bring expenditures in line with revenues and I will vote in favor of your bill.

Thank you Mr. President.

When I sat down, everyone was very quiet for a moment. I had laid all of my cards on the table.

Shortly after my speech, a motion was made calling for the vote and the vote was scheduled for tomorrow morning.

The rest of the day was pretty unexciting. I listened to more speeches and read more bills. It was getting increasingly difficult to maintain my concentration. I had many pressing issues at the office and I would have liked nothing more than to leave early and begin tackling them. An even bigger problem that led to my short attention

span was due to insufficient close and personal time with my wife. The thoughts that would enter my head after listening for about one minute to a speech about updating Department of Licensing procedures were definitely x-rated. They were often about my wife, though.

I was the first one out the door that afternoon and got in the car as quickly as possible. I stopped for some flowers on the way home. I was going to see if Cindy might make a little time for me before dinner.

It seemed to me that the flowers should have swept her off her feet, but she was no pushover.

The next morning's newspaper contained another headline article by Adam Sandlee, my favorite reporter. It stated:

A GIANT FLIP-FLOP ON THE STATE'S BUDGET

By Adam Sandlee (Analysis) Olympia, WA. A vote on the Democratic budget bills in the State House and Senate will occur today after lengthy and strenuous debate on the floor of both bodies. The real fireworks occurred in the Senate where the Republicans complained bitterly about the austere Democratic budget. The debate has illustrated a fascinating role reversal with the Democrats arguing for fiscal responsibility and the Republicans calling for more spending to be supported by new taxes.

Senator Richard Belson, the Democratic leader in the Senate, argued that the voters would simply not allow any new revenue sources until the government earns back the trust of the voters. That trust has been shattered by the State's inability to carry out its promises, he states. When asked about providing political leadership to push through needed programs, he simply shrugged his shoulders and stated, "the people have spoken." The Democrats' will has been shattered by the plethora of citizen's tax initiatives that have plagued this State in recent years. When asked if the Democrats are abandoning their core values of helping the needy, he states two plus two must equal four and his party has no choice but to submit a balanced budget.

The Republicans, on the other hand, have been aggressively arguing for additional spending to be supported by new taxes. The Republicans have no interest in helping the needy, however. True to form, they are bidding the interests of the State's largest industries. They argue that unless the State's transportation infrastructure is improved, the State will not be competitive. Existing businesses will move away and the State will not be able to attract new business. They are proposing an addition to the gas tax to fund new roads and highways.

It is too early to tell whose budget will pass. The House and Senate remain deadlocked. Both parties are valiantly attempting to keep their party

together. The big question is whether any Senator or Representative will jump ship and vote for the other party's bill.

In the Senate, it will take two Senators to upset the balance because the swing vote is held by John Austin, the libertarian Senator from Southport who indicated yesterday that he would vote against both bills. Austin is a bona fide demolition specialist. He appears to be beholden to no one. Curiously, he applauded the Democrats for their willingness to cut expenditures, but indicated that he wants more. He is trying to be the pied piper of the State legislature.

In a speech on the Senate floor, Austin stated yesterday that there was still too much fat in the Democratic budget for his tastes but he congratulated the Democrats for stepping in the right direction with their cuts. Apparently, he feels that further draconian cuts to the budget, which strip essential benefits from the poor and denies the Department of Transportation needed funds to fix our highways and implement mass transit, are necessary.

It is truly a shame that so much power should rest in the hands of one person. The Democrats and the Republicans should be smart enough to go around this iconoclast and make a deal on a truly representative budget without him. There is nothing to stop them from doing that and they should analyze that possibility before today's vote.

Despite his usual rancor towards me, Mr. Sandlee's column actually kept the facts straight on this one.

I was very curious how the vote would go this morning. When the Senate adjourned yesterday afternoon, there was still a whole evening remaining for the Democrats and the Republicans to do just as Mr. Sandlee suggested – to make a deal on a compromised budget or to find a rogue party member who would vote against their own party. Mr. Sandlee did identify the big question, however, which was why didn't the Democrats just add back some spending in order to get a deal with the Republicans. Those negotiations would have been ugly, but that is what politicians do.

That question kept gnawing at me. The possibilities for this were: There was so much animosity between the two parties that dealing with me was less distasteful than the alternative; the Democrats determined that there would be net long term political gains in presenting a budget with some cuts and no new taxes; or they truly believed the budget with some cuts and no new taxes was the best thing for the people. I figured that the last item was a pipe dream and the real answer was probably the second option with a tad bit of the first.

One of the most interesting phenomena in Washington was the ineptness of its Republican party. It seemed to be run by talk show hosts and there was a strong religious element that created a significant amount of distrust among many voters. The Republicans seemed to be abandoning any interest in true limited government. One night, I listened to a radio debate between Harold Meany, the libertarian Supreme Court

Justice and a well known Republican, born-again radio talk show host. The talk show host blasted Justice Meany for his concerns with protecting the rights of the accused, in maintaining discretion in judges in imposing criminal sentences and in espousing a strong separation between church and State. Justice Meany carefully and thoughtfully laid out his positions. The talk show host would not concede an inch and with no analysis whatsoever, hopped on his soapbox and blasted away at the judge. It was a sickening, disrespectful and intellectually dishonest display.

I would find out the real reasons for the Democrats' positioning pretty soon. At least for me, there would be some suspense in the vote. I kept telling myself that the odds were that the Republicans and Democrats got together last night and worked something out. It would not have surprised me to learn that the vote had been withdrawn or delayed.

When I walked onto the Senate floor that morning, it looked like business as usual. When the session was opened, some preliminary matters were dealt with and then the SB 3856, the Democratic budget bill, came up for vote as scheduled. At the conclusion, the bill failed 25 to 24. The voting stayed strictly along party lines with me voting against.

A break was called shortly after that and I went to check in on the House and learned that the same bill had failed to pass on a 49 to 49 vote.

I had lunch that afternoon with my usual colleagues at our café downtown. Barney Doyle and Tom Bush, our Republican members were in a very grim mood. Tom even joked that he might be looking for a new party. Both of them lamented that the Republicans had lost momentum due to their intractability and inability to read the trends. It probably was true that some of their constituents would be blasting them for wanting to increase the budget at this time.

The Democrats were disappointed with today's vote, but seemed upbeat.

There were only a couple of weeks left in the session. There were no bills for me to support except the broadband deregulation bill. I would definitely be opposing all other bills that I had read. We discussed the bill at lunch and as I listened to my colleagues discuss their party's reaction to the bill, it appeared to me that the Republicans were the Luddites – tied to old line, big business who depended on old technology and regulated markets to make money. On the other hand, the Democrats were schizophrenic; they couldn't figure out whether to follow the doctrines of Karl Marx or Bill Gates. I told my group as much and I did not receive very much flak in return. It was clear that the broadband bill would not be supported along strict party lines. The proponents of the bill were going to have to do a better job of explaining the benefits of the bill.

After lunch, we made our way back to the campus without saying much. The Senate was in session for the rest of the afternoon. It was going to be tough to keep my mind in focus. I was hoping that last night's activities would unburden my mind so I could pay a little better attention.

Several bills came up for debate in the afternoon. One of them expanded the coverage of the State's shoreland development laws and one attempted to grant greater taxing authority to cities and counties. The Democrats supported these bills and the Republicans did not. I spoke and voted against both bills and they were defeated.

During a break, I heard some grumbling that this session was shaping up to be the least productive session since the 1960's. Legislators measured their success on the

number of bills passed. I was extremely pleased that I could lend a hand to the process of slowing down the onslaught of legislation.

On the way home that evening, I called Andrew Webster's attorney to check in on the status of the broadband deregulation bill. He stated that his clients were still pushing the bill forward and would carry it forward to a vote whether or not it was likely to pass. He stated the bill faced an uphill battle and the prognosis was not favorable. We discussed his strategy and I asked if there was anything I could do to help. He responded that his clients were working the situation with the Democrats and the Republicans and all I need to do was sit back and watch.

The next morning, I got out of bed as usual and went outside to grab the morning newspapers. The front pages of the Seattle paper were quiet about the legislature so I turned to the regional section. Adam Sandlee had an article on the second page as follows:

LEGISLATURE FACES SEVERAL NEW REALITIES

Adam Sandlee (Analysis) Olympia, WA. The Washington State Legislature is grappling with several significant changes this year. The State's financial situation has brought revenue growth to a standstill. The numerous taxpayer initiatives have passed with substantial margins and have apparently scared our legislators from passing any new taxes. And finally, our first and only libertarian Senator, has caused a paradigm shift in the Senate. The Democrats, long the champion of the weakest element of our society, have abandoned their premises. Instead of strengthening the social safety net during these tough economic times, they desire to weaken it. The Republicans, who usually play the role of scrooge when it comes to the State budget, have thrown caution to the wind and voted for more spending. Will wonders ever cease?

What groundbreaking changes caused such monumental shifts in voting patterns? There are two forces at work. The first is weak and it is called third party politics. This State as well as all the other States and Congress have long been governed by a two party political system. Over the years, the two parties have evolved but still held true to their basic tenets. The Republicans have been the party of big business. The Democrats have been the party of the little guy. Now we have a libertarian thrown into the mix. The libertarian likes "let it all hang out" freedom on one hand and very limited taxes and spending on the other.

The second and more powerful force has to do with the newly created, high tech generated wealth that appears to prefer the Democrats. However, the wealthy techies now have to live under tough budgets and they have to produce things that actually sell and generate profits. Their financial statements have to be accurate and show substantial revenues or else the accountants won't certify their financial statements. The market for investment securities will no longer fund anything with a high tech label unless it makes a profit. Too much money has been lost. We are now in an era of accountability. The techies are growing up and they have been demanding that our elected officials and bureaucrats live under their

standards. Since the techies still hold some very large checkbooks, their opinions are very powerful and they are changing the Democratic Party. The Democrats truly want to help the less fortunate, but if there is no money to carry out their programs, they cut - just like the managers of the dotcoms have been doing since the spring of 2000. They recognize there is a bottom line to everything.

The Republicans haven't figured anything out. They are so tied to their mission of benefiting big business that they can't see anything else. Why else would they vote for more spending when faced with an austere budget presented by the Democrats. It is now a confirmed myth that Republicans believe in fiscal responsibility,

The big question in this year's legislative session is why didn't the Democrats and Republicans come together to hash out a compromise budget. The answer is that the Democrats have found courage and momentum. While they just missed getting their budget passed, they are confident that, one way or another, they will garner enough votes to do so in the end. You might as well label the Republicans the "Whigs." They are a party of the past.

The Democrats want to expose the Republicans for being big spenders and they are doing a good job of it. The Democrats have always worn this label and they feel strongly that the Republicans need to start taking their share of the blame for our bloated bureaucracies.

These are interesting times. Oh, and by the way, that third party phenomenon is just a passing phase.

If it was not for the fact that Adam Sandlee was so obviously tainted by his own mixed premises, he was pretty smart. I enjoyed reading his articles because he focused on the same issues that I had to deal with on a day-to-day basis.

If Mr. Sandlee were correct, the tensions between the Democrats and the Republicans would be increasing. If the Democrats smelled blood, the chances of the two major parties coming together on a compromise at this point would be slim. This would keep me in the ballgame.

After breakfast, I headed out for Olympia. I spent most of the drive talking with Jennifer. She brought me up to date on some projects and I gave her several sets of instructions. Just before I turned in to the legislative campus, I told her that I was giving her a raise. Her value to me was increasing daily. I simply could not keep juggling the workload without having someone like her. She was one of those rare individuals that could actually edit and improve my documents and if I gave her the basic concepts that I wanted to communicate, she could write a decent letter. Furthermore, if one of my letters was snotty, condescending, vague, too mean or whatever, she could recognize it and wasn't afraid to tell me. When clients called, she was able to convey messages accurately and give them a sense that things were under control. She was organized and could juggle projects. In addition, she was a nice person. When she spoke with the court clerk, county staff, a client or a client's staff, she was pleasant and respectful. She wasn't

always respectful of me, but she did so with good humor – usually. In my twenty years of practice, I had never come across any staff level person with her skills. I was going to keep her compensation in the top range because she was worth it and I wanted to make it tough for her to leave. It took me several years of practicing law to make as much money as I was now paying Jennifer.

When I got into Olympia that morning, I headed to my office and opened my mail. The volume of my mail was increasing steadily. People either loved me or hated me. There was nothing in between. Some of the letters were a little frightening given the level of their virulence, but I took them with a grain of salt. Hopefully, the fact that they could write to me and speak their mind was therapeutic.

I headed down to the Senate floor a little before ten o'clock and reviewed the agenda for the day. Several bills were up for debate including the Republican budget bill and the broadband deregulation bill. I patiently sat through the morning session and then the Republican budget bill came up for discussion. The Republican leader in the Senate made an uninspired appeal for support. A couple of Republican Senators made impassioned pleas for more transportation improvements as set forth in the bill. In the end, I voted against the bill and it went down to defeat 25 to 24. I was told that no Democrat even thought of breaking ranks.

Later that day, the broadband deregulation bill came up for discussion. While I had originally submitted the bill in committee and was listed as a sponsor, the bill had taken on a larger life and it was now introduced by a Democratic Senator from the Redmond area, the home of many high tech companies.

The speeches that followed were very predictable. The bill was favored by several Senators representing urban areas while Senators representing rural areas were against. The suburbs were all over the lot. I signaled that I would like to speak and in mid-afternoon, I was recognized by the President of the Senate.

“The Senator from Southport,” he stated.

I stood up and began.

“Ladies and gentlemen of the Senate. This bill presents before you an historic opportunity to reduce the power of government in an area in which it does not belong. No one here can even pretend to understand the magnitude of the forces at work with respect to broadband communications. Billions of dollars have been invested in broadband with extremely high hopes and promises. Those hopes and promises have not panned out. I cannot get a high-speed telephone line to my home in Southport. I still use a dial up service. My neighbors tell me that their broadband cable connection works well during the day but slows down every night after the dinner hour.”

“The Washington Utilities and Transportation Commission cannot create or improve the service. Nor can any city or county. They must simply get out of the way. People will pay for the service. If they do not like the cost, they won't have to connect. They can simply use the old dial up service which has a slower speed.”

“The WUTC was set up as a depression era agency to regulate State granted monopolies. With respect to telephone service, those monopolies no longer exist. If you don't like the service from a landline, you can simply not use one and just use a cell phone. Pretty soon, local area wireless networks or satellites will take market share as well.”

“The only purpose that WUTC serves now is to impede a competitors’ entrance into the marketplace. Rate increases are a non-issue. The competition is cut-throat and the telecom companies are struggling to make a profit. You don’t need the WUTC to set rates in a competitive environment.”

“As to the cities and counties, there is no question that they have the right to regulate how any underground or above ground utility utilizes their right of way. They set standards for construction, repairs and maintenance in order to protect the interests of the taxpayers who have invested billions in developing our streets and highways. Cities and counties are authorized to charge reasonable fees for the cost of administering their franchises. The cities already have the legal authority to levy a public utility tax on the service and, of course, the counties want that right also. However, the cities and counties have gotten greedy. They are attempting to raise their fees and to regulate the terms and conditions of service. Do we really need or want literally hundreds of local jurisdictions dictating the terms and conditions of service to a broadband service provider? Can you imagine the nightmare that a service provider faces every time it desires to extend service into a new city or county?”

“This bill will put that all to rest. I predict that it will be a precursor to what will happen at the federal level. It has already happened with air and truck transportation. With the stroke of a pen, State level regulation was effectively pre-empted. Let’s get ahead of the curve and pass this bill. Thank you.”

Shortly after my speech, the session adjourned for the day. I received a note that Senator Belson would like to see me before I left for the day. I then made my way up to his office. I was let in and greeted by the Senator and a few other Democratic Senators.

“Senator Austin,” he stated. “We have enjoyed working with you. You helped us plow some new territory on the budget.”

This was off to an interesting start. The Senator was attempting to lay a foundation for a new deal.

“Why don’t you tell me what you have in mind,” I said.

“You have an interesting way of dealing with people Senator,” he responded.

“My wife tells me that often,” I said.

“Senator,” he said. “We have a bill that we want to get passed. We don’t believe that we will get any Republicans to vote for it. We need your vote to get it through.”

“Which bill is it?” I asked.

“SB 4152.”

“Isn’t that a special appropriations bill for the Department of Transportation?” I asked.

“Yes, it is,” Senator Belson responded. “More specifically, it provides for a new interchange in the Centralia area, a new highway rest stop outside of Mt. Vernon and a remodeled ferry terminal at Anacortes.”

“Oh, yes,” I said. “I remember the details. Those are pet projects of Senators Smith and Hawkley. As I recall, they will even have those projects named after them. The trouble is, D.O.T. didn’t even push for those projects. They are pure pork.”

“Senator,” Senator Belson responded, “These are highly valuable public works projects that have the support of local business, construction and labor. We think that they can be squeezed into the budget.”

“What makes you think I would vote for something like that?” I asked.

“Because we can offer you assistance on the broadband bill.”

“Are you guaranteeing that the broadband bill will pass if I were to vote for 4152?” I asked.

“No. Only that we will garner whatever support we can within our own party for the bill,” he said.

“Senator,” I said. “4152 represents the worst in politics. I will admit that it is small and probably won’t break the bank, but that bill provides for three projects that D.O.T does not even want. D.O.T. is pleading for funds to repair roadway surfaces on I-5 and I-90. It desperately wants more funds for I-405 improvements. I am surprised that you would have the gall to bring it up. And frankly, I don’t know where the broadband bill is headed, but you have not offered anything concrete, so even if I were inclined to make a deal, which I am not, it sounds like a bad bargain.”

At this point, Senator Hawkley, an elderly and distinguished looking man from the northwest part of the State, interrupted and said, “Young man, you are insulting and rude. Senator Belson has offered you his support. His word should suffice. My bill costs only a few million dollars. This is my last term in the Senate and I would like to go out a winner. I have been serving in this body for over twenty-two years. I have always been a team player, but it is now my turn to have some glory. I am not asking for much. I am an old man who is looking forward to retirement. Why put up such a fuss for just a few million dollars.”

Listening to Senator Hawkley plead only strengthened my resolve. I recognized that all of the bad things that I campaigned against were wrapped up in this proposal. The taxpayers deserved better. I had over three years left in this body and I would have to face these Senators time and time again with such deals, as well as my constituents. There was simply no way I could go along no matter how benign the deal appeared.

“Senator,” I responded, “those projects have a combined estimated cost close to twenty million dollars. That is hardly a paltry amount.” “I am sorry I can’t help you.”

“Senator Austin, you are making a big mistake,” Senator Belson stated. “You need friends to survive in this body. The Republicans hate your guts and frankly, not everyone on our side is that impressed with you either. Is that your final answer?”

“Yes it is Senator,” I stated.

I got up to leave. No one else bothered to get up. “Good day, gentlemen,” I stated and walked out.

What a bunch of lightweights. The Senators lived in a world of vague threats and veiled offers. Nothing was concrete except, perhaps, their self interest in passing bills. Nothing else mattered. It was a life that I was determined not to play. I went back to my office to call Andrew Webster’s attorney. I felt that he should be apprised of the situation so he could take whatever steps he could to protect his bill.

We spoke for about half an hour and he didn’t seem to have any reaction. Given his experience with legislators, he probably would have been surprised if no one had tried to make a deal with me. He stated that support for the broadband bill was still spotty and it was too early to bring it up for a vote. If it did come up for a vote, it would be during the last days of the session.

I spent the next two days on the Senate floor listening to debate and reading bills and amendments. When SB 4152, the supplemental appropriations bill, came up for

debate, I blasted it. After I sat down, I got to thinking that maybe the Republicans would support the bill just to get back at me.

I was grateful when the session adjourned on Friday afternoon. It had been a long week and I headed back to Southport as quickly as I could. I poured myself a glass of wine when I got home, put my feet up and listened to the news. Cindy and the kids were out and about and it felt really strange to have some quiet time.

We had a nice dinner and all of us went into town for a movie.

On Saturday morning, we had a big breakfast. The kids did not have any basketball games until the afternoon so they wanted me to walk over to the park with them to play a little half-court two on two. Natalie and I usually teamed up against Hank and Oscar. I was the biggest and tallest of the group, but it wouldn't be that way for long. We usually played make-it, take-it to ten by ones.

We let the boys take it out first. Hank and Oscar were very competitive with each other and they often did not team up that well. I often thought about putting them on Valium whenever we did this. Something about playing basketball together really brought out their worst traits.

Natalie and I took the lead after a few buckets and it wasn't long before Hank and Oscar started crabbing at each other. Their language was atrocious. Anyone watching us would have thought there was a family feud going on.

"You guys, I am leaving right now unless you two stop acting like two year olds!" I exclaimed.

"Hank doesn't know how to pass; all he does is shoot!" Oscar yelled.

"Oscar is a little squealy baby who poops in his diapers!" Hank retorted.

"Stop it right now. Hank, clean up your mouth and you start passing the ball or you can go play by yourself," I said.

"Hank and Oscar are both a couple of baby butt-cracks," Natalie piped in. "Make them go home dad so we can play by ourselves."

"Natalie, you watch your language and stay out of this," I said.

I was trying to muster up all of my diplomatic skills to keep this game on track.

"You play like a girl Natalie. The only reason you are winning is that you have dad on your side," Hank said.

"You're so stupid Hank," she responded. "Everybody feels sorry for you because you're so dumb."

"Everyone stop right now," I stated. "This is your last chance. Do you want to play or not?"

Everyone piped down at that point and we continued the game. Hank and Oscar came back and we were eventually tied at 9. The rules were you had to win by two. I was getting tired so I planned on ending this thing right now. That would mean having to listen to the boys grouse for a while, but that would be better than to prolong the bickering.

I tossed it into Natalie and then set screen on Oscar. As she dribbled around me, she gave Oscar an elbow in the gut.

"Foul!!!" he yelled. "That was on purpose. Ground her dad!"

"Yeah" chimed in Hank. "Make her stay home tonight. She plans on seeing her boyfriend and getting all kissy face."

“Shut up Hank,” she retorted. “You don’t even know what that means you little butt-faced, bug-eyed urchin. I know who you like anyway – and she hates your guts.”

“At least I’m not fat and don’t stink!” Hank yelled.

“Will you guys stop it right now! Oscar, it is your ball. Take it out and everyone stop talking!”

Oscar threw it to Hank, who for once hit Oscar with a nice bounce pass as he was breaking to the hoop. I jumped out to block the shot but was a half second too late. Oscar laid it in to go up by one.

“Nice defense Miss Kissy Face,” Hank shouted at Natalie.

“Get your finger out of your nose you big fat nose picker!” she shouted back.

Oscar took the ball out to the head of the key and passed it in to Hank. This was the game point and there was no way I was going to let these little guys win. They had never beaten Natalie and me except for a time or two when I let them make some uncontested shots. Oscar went to a corner along the baseline. Hank passed it to him and broke for the basket. For once, the little turkeys were running a give and go instead of doing their usual one-on-one nonsense. Oscar threw a sharp bounce pass that I just missed getting. Hank got it and rolled in a little hook shot. We lost 11 to 9. Natalie looked crestfallen. Hank and Oscar were whooping it up, giving each other high fives and making faces at Natalie. We started walking back to the house for lunch and so they could get ready for their afternoon games. The kids started to cool down and I was hoping they would get back to normal when Oscar said, “Hey Natalie, you aren’t too bad for a girl.”

“Shut-up baby butt-wipe,” she responded.

“Dad, Did you hear that?” Oscar asked.

“Natalie, stop using bad words. He was giving you a compliment.”

“He was not. He was being a butt.”

“Do you know any words other than butt?” I asked.

“Not when it comes to those two,” she stated, turning her nose up at both boys.

“Let’s just walk in silence,” I growled. “Nobody talk.”

“Oh, now we have to ask permission to talk,” Natalie said in her most ultra-snotty tone.

What is it about twelve year old girls. That tone of voice just seems so natural to them.

“Yes,” I said. “No one may speak any further. Don’t even burp.”

The minute that came out, I regretted it. All three children immediately started burping and making other rude noises.

“I am a State Senator and I know people in very high places including the State Patrol. I even met the warden of Walla Walla State Penitentiary the other day. I would be very careful about getting me mad.”

“Ooooh Dad, we are really scared,” Natalie said.

Now I was getting mad.

“Natalie, one more word and you will be spending all afternoon and evening in your room. You are on two strikes. One more and you are out. That finally caused her to stifle it.

When we got back to the house, I made some grilled cheese sandwiches for the kids and they finally settled down. I wondered what it would be like to have normal children. I couldn't wait for the teenage years.

The remainder of Saturday was spent driving the kids around and watching basketball games. Cindy and I finally shook the kids loose by dinnertime. Natalie went out with some friends and Hank and Oscar went over to a friend's house. Cindy and I went out for dinner by ourselves that evening and she actually smiled a few times. She was getting tired of me telling her that the pressures caused by the Legislature were almost over. She wanted some changes right now.

I agreed to start looking for an associate who could take over some of my workload, but I frankly did not think that that satisfied her.

On Sunday morning, I rolled out of bed while Cindy was still sleeping and went out to grab the newspapers. As I was sitting at the kitchen table, the regional section of the Seattle paper had another column by Adam Sandlee about the legislative session. Most of it was about the fact that not much legislation was getting passed. One particular paragraph caught my eye, however, which said:

Word is going around that the State's only libertarian Senator is persona non-grata in both the Democratic and Republican camps. Notwithstanding the fact that the smooth talking lawyer from Southport appears polite and straightforward in his dealings with other legislators, his inability to compromise is making his colleagues very angry. He is wielding his tie-breaking position like a sword. However, what goes around comes around. The Senator is throwing all of this weight behind a bill that would deregulate broadband telecommunications services. This bill will likely have an appropriately short life.

After I finished the paper and had breakfast, I spent the rest of the day catching up on legal work. Late in the afternoon on Sunday, I played another basketball game with the kids. Before we started, I told them that I was going to walk the second that any bickering started. The game went much smoother and Natalie thrashed Hank and Oscar. I figured I might as well get some wins in while I was still able.

On Monday morning, I dropped off several files at the office, left instructions for Jennifer and headed off to Olympia. I spent most of the way in on the telephone with a client who was negotiating to buy a cranberry farm in the nearby town of Grayland. When the session started on the floor of the Senate, I could tell that something was up. SB 4152, the pet DOT project bill for Senator Hawkins, came up immediately for vote and I voted against. The vote was mixed and it narrowly failed. Several other bills came up for vote that morning. There was bill liberalizing some corporate governance provisions that I voted for. I voted against a bill granting increased regulatory powers to the Department of Health over health care providers. I voted for an amendment to the State's Water Code that allowed water purveyors to intertie their water distribution systems. Nothing passed. It seemed as if the body had become so polarized that it was difficult for the major parties to garner support for anything. As far as I was concerned, it was better to have all legislation fail as opposed to having a mish mash of bills making it through the system. If nothing else, I would be able to tell my constituency that I was partly responsible for stopping the proliferation of legislation.

Later that day, I heard that the broadband bill would come up for vote on Wednesday.

I had lunch that day with my usual group. Everyone was resigned to the fact that this was going to be an unproductive session. The pundits were stating that this session would have the least amount of legislation passed during the last 35 years. The big issue, of course, remained the budget and it appeared to be going nowhere.

"Just think of all of the legal fees that will be saved due to the failure of any significant bills to pass." I stated. "Business owners, municipal governments and state agencies will not be expending funds on expensive lawyers to tell them about the new laws and it also means that other consultants who feed off of the legislative system will get less work. Don't you guys ever wonder about all of the waste that occurs in dealing with the legislation? Just think. Businesses can earn more, invest more or distribute more in lieu of paying of consultant fees. It is way too expensive to run a business in this State. Just think of the contribution you just made by at least slowing down the system."

"John, we are going to get labeled a 'do-nothing' legislature." Barney replied. "The papers are going to skew us."

"Then blame it on me," I said. "Or better yet, accentuate the positive. Tell them this system is getting way to complex and we needed a breather. It is time to take a step back, reflect on the system and really determine whether we need so many regulations in order to exist."

Barney chuckled and responded, "You just may have something there."

James Dill, the Democratic member from the House stated, "That argument won't work with the Democrats. Our labor and environmental constituencies are never satisfied. Their goals are always being ratcheted up. Once one bill is passed, then it is on to another. If a legislator who has accepted their support doesn't produce, they are out. It is the kiss of death to not get bills passed."

"Gentlemen," I stated, "I sound like a broken record, but I think times are changing. There may be more libertarians in the Legislature in future sessions. If that is

true, it is going to be doubly difficult for legislation to get passed. I think the best thing you can do is to recognize the reality of the situation and make it work for you.”

“The pressures from the associations will never let off. They market their ability to get legislation through the mill. That is how they maintain contributions and develop new supporters.”

“You need to start conditioning them,” I replied. “They need to reduce their expectations.”

“Ha,” he responded. “You don’t know these people. They are relentless and demanding.”

“Sounds like my kids,” Ryan Garvey stated.

We all laughed.

After lunch, we all made our way back to the campus. I headed up to my office to speak with Andrew Webster’s attorney. I was able to reach him and he brought me up to date on the standings. He stated many Democrats remained in a quandary. Labor was coming out strongly against the bill. The bigger problem was the Republicans. The copper line telecoms were too befuddled to have a coherent position and the Republicans did not know what to do. They did not want to do anything that was supported by the Democrats or by me. It appears that they were holding a grudge. We both concluded that it would be best for me to play a low profile until the vote.

I spent the remainder of the afternoon on the floor of the Senate and promptly left for home upon adjournment. When I got home, we all had dinner and the kids went off to do their homework. As I was helping with the dishes, Cindy started to complain about our financial situation. My billings were down for the months of January and February and our investment income had taken a dip due to declines in interest rates. We were still in rock solid financial shape, but cash flow was down. I had to reign in Cindy’s budget a little bit because I was not about to cut back on contributions to our retirement plan or the kids’ education accounts. It had been many years since Cindy felt constrained by living on a budget and it was just one more straw on the camel’s back as far as her state of mind. And, every straw on the camel’s back meant one less roll in the hay.

One of the more painful aspects of the recession for many people relying on passive income was the effect it had on interest income. We had used to make about five percent on our investments and now our rate of return had been cut in half. I couldn’t imagine the effect upon retired people. We were able to make ends meet, but the reduced income from my law practice added pressure to our household budget at precisely the wrong time.

As I was drying a pan, Cindy suggested that we get some counseling.

“Sweetie,” I said. “Why don’t we just take some time for ourselves and lay out our issues and deal with them one by one. I don’t trust the counselors and I think we can solve whatever problems we have.”

“I don’t know,” she stated. “You are the most stubborn person that I have ever come across and you don’t even know it. You can also be thoughtless and you never realize that also. The world just doesn’t revolve around you, you know. You can be a big jerk.”

“Is there anything else you want to say,” I said.

“That’s enough for now.”

“When this is all over, we’ll get a sitter for the kids for a few days and take a trip.”

“I’ll think about it,” she said. “Can we afford it?” she added in a semi-snotty tone that sounded an awful lot like my daughter.

“Yes dear, we can afford it,” I said.

We continued drying the dishes in silence.

After I put the dishtowel away, the phone rang.

“John Austin?” a voice said.

“Yes it is. How may I help you,” I stated.

“You can start by getting your head out of your ass,” the voice yelled.

“That is a little to obtuse for me to understand. Is there a specific vote or bill that you want to discuss?” I stated.

“Listen here you son of bitch. I don’t like you or anything you stand for. If you don’t stop what you’re doing, I am going to come down there and kick your ass!”

“Why don’t you put your thoughts down in writing and mail me a letter, or give me your name and address so I can respond to you in a formal way,” I stated.

“Austin, you are real cute. You just better watch it. There are a lot of people who would like to see you hit a telephone poll on the way to Olympia.”

“You have a lot of guts threatening me over the telephone without telling me your name. If you want me to take you seriously, tell me who you are and tell me what you really want,” I stated.

The phone went dead. I just stood there, kind of numb.

“Who was that?” Cindy asked.

“A crank caller.”

“What did he want?”

“He didn’t say.”

I spent the next day on the Senate floor and in meetings. A coalition of Senators had formed that were supporting the broadband bill. The leader was a Democratic Senator from the suburbs east of Seattle. He called a meeting before lunch to lay out a last minute strategy for getting more support for the bill. The end of the session was nearing and there was not very much time left. At the meeting, the Senator distributed a sheet containing talking points about the bill. A twenty four hour plan was developed in which many of us were designated to speak with other Senators. I was appointed to speak with a Republican Senator from the nearby Hoquiam area. The vote was scheduled for tomorrow afternoon.

Later that day, I walked up to Mary Rinegarten, the Senator from the 24th District, which covered the coastal area to the north of the 19th District. She agreed to meet with me in her office after the session ended for the day. The remainder of the session was devoted to debate on several unimportant bills, all of which were doomed to defeat.

At about a quarter to four, I made my way to Senator Rinegarten's office. She was retired high school principal who started out in the House and, after several terms, made her way to the Senate. She was known as being tough and businesslike. She graciously invited me in to her office. She asked me about my kids and where they went to school. When I told her that my wife worked part time for the middle school in Southport, she warmed considerably.

"Well Mr. Austin, what did you come to see me about?" she inquired.

"I am asking for your support of the broadband deregulation bill."

She responded, "I have read the bill and have some reservations. My constituents are very concerned with the concept of deregulation. As you know, if you don't live in the Central Puget Sound area, you sometimes feel like you are out in left field. One purpose of the WUTC is to ensure that rural areas like mine are adequately served by public utilities."

"Senator," I said. "I'll bet that your constituents have at least three cell phone providers to choose from in addition to cable and telephone. I also suspect that large parts of your service area do not have access to any sort of broadband service. The reason is that WUTC makes it uneconomical to extend the service. If nothing else, this recession that we are in has shown that the telecoms are subject to the same economic principles as all other industries. If WUTC gets out of the way and lets the service providers charge what the market will bear, then sooner or later, your constituents will get the service."

"But at what cost?" she retorted.

"I don't know," I said. "But if the cost is too high, a household may decline the service. The issue is that they will never get the option to choose until the economics become viable."

"What about the part of the bill that restricts the counties and cities?" she inquired.

"The cities and counties will get to regulate the use of their rights of way, just as before. Specifically, that means that they can dictate construction standards. They will be able to charge a fee that reflects the cost of administering a franchise as they do now.

Also, this bill does not strip the cities of their ability to levy a public utility tax. What the bill would do is prohibit the cities and counties from attempting to regulate the service itself and to charge a franchise fee which is beyond their actual cost of processing a franchise.”

She again inquired, “But why are the cities and counties opposing the bill so strongly?”

“They are struggling for cash and they see the telecom business as a likely one to pay some freight. The counties, who do not have the authority to levy a public utility tax, want to see this bill stopped so they can charge a franchise fee instead that is akin to the tax. This bill closes a loophole and it will be your constituents who will benefit. Franchise fees and the like simply get passed on to the customer. Profit margins are so small now that, there is no way the service provider can bear the load.”

“Senator,” she said. “You may well be right. But right now, it doesn’t matter how good this bill is. I will look to my leadership for direction on this and right now, the fact that you endorse this bill isn’t worth very much. I would give you more consideration if you were a Democrat instead of a renegade maverick.”

“That’s redundant,” I replied.

“Don’t make fun of me young man.”

“A thousand pardons ma’am. I was just concerned about your proper use of English.”

“You are an insolent young man,” she retorted.

Her high school principal training was starting to show through, and I really did not feel like getting scolded at this point. I had always heard that politicians should not make enemies, but I guess that I had not learned the value of that lesson yet.

“Senator Rinegarten,” I replied. “There is no doubt that I can be insolent. You on the other hand are incredibly thin skinned.”

“You just do not know when to stop do you? You’d better quit while you are ahead.”

“I’ll just head right down to detention right now.”

“Senator!!” she barked. “You had better apologize right this minute for your behavior!”

She was simply fuming at this point. I hadn’t had this much fun in years. If she hadn’t lit up so quickly, I would have simply left. I had hit some sort of soft spot. If I had this gal on the witness stand, we would just be getting started and she would have been in for a long tough session.

“I have no intention of apologizing and now that you have opened up this discussion, I might as well say what needs to be said. If you aren’t capable and independent enough to analyze this bill and figure out what the right answer is, then what good are you to your constituents? If you have to vote on this based on how the political winds are blowing, then you spent too much time running a high school. You do not need to be a member of a clique and take your direction from the leader for every step. Why don’t you try using your brain to do some independent thinking?”

“Senator,” she seethed. “You may now leave my office. Please do not bother coming again. You are most unpleasant and disrespectful. You have no appreciation for how things are done and you will no doubt be a colossal failure as a Senator. Do not waste my time any further.”

I just could not help myself when I said, “You must have been one awful high school principal. I would have enjoyed running into you when I was a kid. You couldn’t have handled a kindergartner.”

I promptly left the office, chuckling. I checked back in with the Senator who was heading up the campaign on the bill and reported about our incendiary exchange.

He stated, “I guess I should have warned you about her. She can be pretty mean and nasty.”

“No problem,” I replied. “I’ve seen worse although I am truly surprised at her lack of skills in dealing with people. You would think a former high school principal could handle some adversity. She definitely won’t be voting in favor of the bill.”

“We may be getting some unexpected votes on this,” he said. “We won’t know until the vote.”

The rest of the day was uneventful. I had some legal work to do and I was precluded from using my government office for private work. I went out to my car, turned on my laptop, plugged in the wireless modem and downloaded my emails. This was turning out to be a pretty effective way to practice law. All I needed was a cell phone, a lap top and a quiet place to sit down in order to get some work out the door. I started reading emails and got some work done before the drive home.

When I got home for dinner that night, the first thing I heard as I walked in the front door was “Mom! Hank picked his nose and rubbed the booger on my arm!”

I sent Hank to his room while Natalie went to the bathroom to wash off her arm. She was awfully quiet which could only mean that she was thinking of a way to get him back.

“Natalie, let mom and me deal with this,” I said.

“Of course, father,” she said, dripping with sarcasm. “You are always so harsh with those little hooligans. I am sure I can count on you to deal with them firmly and fairly.”

I sighed. I did not have enough energy to answer.

I sat down in the kitchen to scan the newspaper and Cindy came in.

“Where are you taking us to dinner tonight?” she asked.

“Hi honey. Yes, I have had a very nice day,” I responded. “How was your day?”

“Listen here, bub,” she said. “Don’t be a smart ass. You come and go a like a ship in the night. I never know how much time you have or whether you have work to do. Now where are you taking us to dinner? I do not feel like cooking.”

My judgment told me to shut up and be agreeable.

“Wherever you want sweetie,” I replied.

“Good. Let’s go.”

We rounded up the kids and got them into the car. All three of them made a mad dash for the middle of the front seat. Natalie had a head start and won the race. They then started calling dibs on who would get the front seat on the way back. The only thing that I was really concerned with was that Hank and Natalie did not sit together.

After we sat down in the restaurant, got our food ordered and Cindy and I had taken our first sips of wine, she finally let on to what she was thinking about.

“Oscar, do you want to tell your father what happened today at school?”

Oscar, who was sitting in between Natalie and Hank looked down at a cracker that he had been opening. He did not respond.

“Oscar, we can sit here all night if we have to,” I said.
We all sat quietly for a moment and finally Oscar spoke.
“Me and John Bulko put shaving cream in Ms. McDonough’s desk.”
Ms. McDonough was Oscar’s 4th grade teacher.
I was trying to remain serious.
“Where did you get the shaving cream?” I asked.
“John brought it from home.”
“How did you get caught?” I asked.
“Ms. McDonough found the shaving cream can in John’s desk,” he said.
“Why did you do it?” I asked.
He paused.
“Oscar,” Cindy stated sternly.
“We thought it would be funny.”
“After she discovered the shaving cream, did she ask who did it?” I asked.
Oscar did not answer.
“Oscar,” Cindy stated with a rising tone.
“Yeah.”
“What did you say?” I asked.
Pause. Cindy started to say something and then Oscar continued.
“Nothing.”
“So you didn’t admit doing it and then you got caught.”
No response.
“So how much trouble are you in at school?”
“John and Oscar will be in detention for every recess and every lunch for one month,” Cindy stated. “They must sweep the halls and classrooms every day after school for a month.”
“What are we going to do to him?” I asked.
“I suggest no tv or computer games for one month and extra chores on Saturdays and Sunday,” she said.
“I never did get to spank him. How about a couple of licks right now out back?”
“Go for it dad!” Hank stated. “Can I watch?”
“Me too,” Natalie chimed in.
They called my bluff.
“Maybe another time,” I stated. “Oscar, my dad would have given me a real paddling. You should feel very lucky that you didn’t grow up forty years ago.”
Everyone started to laugh. Even Oscar.
“Oscar, are you ever going to do anything like that again?”
“No dad.”
“You are a very lucky young man and you are about to learn a very valuable lesson,” I stated. “The lesson is that bad acts have consequences. You will pay your debt and then you can go on. It would have been a shame if you had not been caught. You would have felt bad about what you did and chances are that you would have never learned your lesson. People who don’t learn that lesson often end up in prison. We will talk more about this later. Let’s eat.”
We ended up having a nice dinner and Cindy got back to normal after her food came. As our kids have gotten older, we have had fewer of these instances. Oscar and

Natalie had been pretty level headed. Hank had been a different story, however. When Hank was five years old, he was the world's worst kindergartner. He would not listen. He was very disrespectful and was very difficult for the teacher to control. He spent innumerable sessions in the principal's office and we were told that he set a record in that category for a kindergarten student. Cindy and I had several meetings with the principal and the school's psychologist. During that year, we received daily updates about his behavior by email. The principal was truly concerned for him. When she was transferred to a different school at the end of the year, she asked if we could stay in touch so she could keep track of his progress. Cindy and I read books on child development, discussed Hank's behavioral problems with counselors and developed strategies for dealing with his behavior. The funny thing was that he liked going to school and was a really happy kid. He was too happy – everything was funny. Fortunately, as he grew up, he slowly outgrew his immaturity and was gradually turning into a pretty good student.

Oscar had always been much more manageable and I always thought there would be a day when he tested his limits. Hopefully, this would be a learning experience for him and we wouldn't see much more of this.

I got up early the next morning and picked up some files at the office. I spent most of the way in to Olympia discussing tasks with Jennifer over the cell phone.

The session was called to order around ten o'clock. During the last few days the broadband bill had garnered a good bit of attention, although it was still a very dark horse.

Adam Sandlee had written about the bill in this morning's paper. His column indicated the same schizophrenic approach as the legislature. The main part of the article stated:

SB 4867, known as the broadband deregulation bill, is scheduled for vote today in the State Senate. The bill is heavily supported by many software manufacturers. They contend that the lack of broadband capacity to homes and businesses throughout the State dampens the market for software products. Who needs fancy software if all that you have is a slow, copper line dial-up connection to the Internet?

The manufacturer's solution is to clear out the red tape, high fees and taxes imposed by cities, counties and the State. They forget, however, that the governments insure the availability of service and non-discriminatory pricing. There is no doubt that if freed of regulatory restrictions, the broadband service providers would simply serve the areas that generate high profits and let the rest of us stew.

Unsurprisingly, the bill is co-sponsored by the iconoclastic third party Senator from Southport. His lack of concern for the rural areas is contradictory given the fact that he resides in a small rural town. Also unsurprisingly, the other sponsors of the bill are from the east side of Lake Washington – softwareville.

The telecom and cable industry has been divided over the bill, but for the most part negative. They seem to be in a quagmire and offer no clear direction.

The real wild card is the federal government. The FCC regulates the telecom and cable industry from Washington D.C. The FCC can override nearly anything that occurs at the State level. The FCC has not stepped in to deregulate on this issue, however. After all, it is a regulatory agency. However, if the State chooses to deregulate broadband at the local level, there is not much the FCC could do to stop it.

The bill has some intriguing aspects for those who believe the dead hand of the government does more harm than good. However, it does not have wide enough support and its impacts on the less wealthy rural areas have

not been fully analyzed. While the bill presents some interesting concepts for discussion, the State of Washington is not ready for this bill.

After some preliminary matters were dealt with, SB 4867 came up for debate. Being a co-sponsor of the bill, it was customary for me to speak on its behalf. I signaled my desire to speak and was eventually called upon.

“The Senator from Southport,” called the President of the Senate.

I stood up and started.

“Thank you Mr. President. Fellow Senators, I urge you to vote for this bill. Washington will play an historic role in the development of the communications industry if this bill is voted into law. It will do two things. It will free the broadband industry from the reigns of the Washington Utilities and Transportation Commission and secondly, it will stop the cities and counties from loading on prohibitive regulations and fees.

The Utilities and Transportation Commission was born out of a different era. The Commission granted monopoly status to the firms that could jump through its hoops. In return, the Commission regulated the terms of service. Those days are gone, however. Companies are competing like mad to get into the broadband business, even in this down economy. The Commission has no role to play in this new environment.

Historically, the Commission is responsible for setting rates below which companies are prohibited by law from charging. It puts up barriers to entry in the market. Only those companies who can qualify and can conclusively establish that there is a need for the service are allowed to serve. The Commission then dictates not only the rates, but the terms and conditions of service. This is one step from the planned economies of the old Soviet Bloc countries. Managed markets have been failing right and left all over the world. Let’s abandon this relic of socialism and allow market conditions to rule.

The bill will prohibit counties from taxing the service, maintain caps on existing city public utility taxes on the service and prohibit both from throwing up roadblocks in using county and city rights of way. They will still be able to issue franchises and assess reasonable fees for the costs of administering a franchise.

If we pass this bill, we will have removed harmful barriers to entry that are thrown up by the Commission and cities and counties. It will lower the cost of providing the service, which will encourage the service providers to extend the service where it is not presently available.

For those of you who think that competition in this area is inadequate to protect the interests of consumers, consider the multiple sources of telephone or cable service that are presently available. Each of these providers provide access to the Internet. There are the copper line carriers who provide regular copper line service and DSL. There are the cable companies. There are the wireless providers. I can now connect my laptop to a wireless modem and log on to the Internet. There are companies who own fibre optic cables. Power utilities have announced that they will soon be providing the service over power lines. Soon satellite service will be available. This area is developing so fast, the best thing the State can do is to get out of the way.

For these reasons, I urge you to vote for SB 4867. Thank you.

I was followed by the other co-sponsors and then the negative comments started to come in. The Senators who had closely supported the wire line monopolies came out strongly against the bill. The monopolies had now taken a clear position against the bill. The only plausible reason was that it was reliant on the barriers to entry and the regulated rates provided by the WUTC. It did not want open competition.

Several Senators said the bill was not fully understood and it needed to be studied further. A few Senators took the position that the bill was fundamentally unsound and should be defeated for its reliance on free markets, the same markets that are sending jobs to Asia and maintaining high unemployment through productivity increases. Shortly after lunch, the vote was held and the bill failed 28 to 21 on a mixed vote.

Later that day, SB 4867's companion bill in the House also failed on a similar non-partisan vote.

Later that afternoon, I received a telephone call from Andrew Webster and his counsel. They thanked me for my support and did not seem upset that the bill had lost. Andrew indicated that they would try again in subsequent sessions. He noted that the fact that the bill had made it as far as it had was surprising to many and boded well for the future.

The biggest problem remained that session was only about a week away from the end of its term and the State still did not have a budget. The legislators were getting nervous and the press was becoming increasingly critical. The editorials were getting pretty rough. No one wanted to see a special session, but it was starting to look like a real possibility. It appeared that both of the major parties were playing a game of chicken. The Democrats were holding the line on their latest bill and so were the Republicans. Both houses of the legislature remained deadlocked.

I really wanted the session to conclude. I had barely been able to keep up with my practice during the last three months, but it had been tough. My golf game was rusty, I had hardly played any basketball with the kids and my wife was cranky. If this went on much longer, I might even have to give up playing some golf for a while.

On the way home that evening, I called Mark and suggested that he schedule a golf game for early Sunday morning. I figured this might be the last game for a quite bit. I could let Cindy and the kids sleep in and be home for lunch. Mark and I talked for a while and I asked him how he was doing with Cheri James. He responded that that was a

terribly inappropriate question. I figured he must be doing ok. Cindy would be so relieved that Mark was actually getting along with someone.

I spent Saturday trying to patch things up with my kids and wife, but tension seemed to be building in the house also. Cindy did not want to go out that evening so we sat around the home watching television. By the time that I went up to the bedroom, she was already asleep wearing her warmest and woolliest pajamas. I was pretty sure that she tied the drawstring at the top in a double knot.

On Sunday morning, I met Mark, Paul and Rob for breakfast at the golf course café. It was a clear brisk morning and balls were in the air at 8:00 am. It did not take long for the ribbing to start. As I was walking to the first tee, Mark asked,

“How are things at home?”

“You are a dirty rotten scumbag. What have you heard?”

“Melissa and Natalie talk, you know. Those girls pick up on everything,” Mark replied.

“We all need for my life to get back to normal,” I said. “I am being stretched in too many directions. We just need some time off.”

“John, I hate to say this, but the fun may be just beginning,” Mark stated. “There is no way in hell that a budget is going to get passed in the next few days. The pressure on you to cave in and support the major parties’ bills will be enormous. Unless you plan on bailing out, you better start planning for a special session. I will be happy to service Cindy in the meanwhile.”

“Mark, I don’t need those kind of jokes right now.”

“Yeah, sorry. That was too much. Its just that she is so lonely.”

I just glared at him.

We all teed off. Rob and Paul were really going after each other. I didn’t mind because that left me out of the mix. I just felt like playing golf.

Unfortunately, my golf game sucked and the guys were relentless. On the tenth hole, I was about ten feet from the hole and was the last one to putt. It was slightly uphill with no apparent break.

“Hey Paul, which way does this thing break?” I asked.

“Four inches down, baby!”

Mark and Rob almost wretched.

All I had to do was make contact with the ball to knock it in. I focused hard on the line and nailed it. I, of course, left it about eighteen inches short and I could begin to feel my right temple start to throb. As I walked up to pick up my ball, Rob cleared his throat. I stopped and looked at him.

“Just clean that up for us, will you John?”

“You want me to putt this?”

“Yeah, just brush it in,” he said.

“I didn’t realize we were playing in the U.S. Open,” I responded.

“We just want to look at your stroke one more time – you have such a fine stroke - so slow and fluid,” Mark chipped in.

I promptly addressed the putt, put my best stroke on it and left it short.

I have never, ever, in my entire life left an eighteen-inch putt short. But there is a first time for everything. The ball had stopped about one inch in front of the cup. My right temple really started to throb.

“Pick it up John.”

“Yeah, that’s good.”

“Thank you, you good for nothing pricks,” I retorted.

When I got to the next tee, my blood pressure was really on the rise. The hole was a long straightaway par five with out of bounds left. I felt like hitting the crap out of it and I did. However, I came over the top and added a quick release at the bottom. The ball started left and then started to hook. After about 150 yards out, the ball was traveling on a path roughly perpendicular to the fairway. Rob and Mark whispered to each other in awe as the ball soared over a couple of houses and headed further out into the adjacent neighborhood. It was my most solid hit all day.

“Uh, John,” Rob stated. “I hope you have plenty of liability insurance.”

“That has got to set a record,” Mark stated. “I have never seen a ball get that far left before. That one probably made it out to Sycamore Drive.”

Everybody, except me, started laughing so hard they could hardly stand up. I was not having fun. I was having my worse game in twenty years. Everything was going from bad to worse.

After sixteen holes, Paul and I were two down in both team games. The only reason that we weren’t getting wiped out was that Paul was playing great.

As Paul addressed is drive on the seventeenth hole, Rob asked, “did anyone get a look at that see-through blouse that that gal was wearing on television awards show the other night?”

“No, I missed that,” Mark said.

“Her blouse was so sheer, that she might as well have been topless.”

Paul intelligently backed off from hitting his shot and said, “I would really like to play golf.”

“Don’t let us stop you,” Rob stated.

“You are stopping me with your constant an inane banter. Now I would appreciate some silence,” Paul responded.

Rob shrugged and sat down on the bench behind the tee.

Paul started to address his ball again and Mark said “it sure must have been cold in that theatre.”

Rob jerked the club back and made an ugly looking lunge on his follow through. The ball took the heads off of a couple of worms as it rooster tailed through the dewy grass.

My partner had valiantly kept our ship afloat for sixteen holes, but now his load was too heavy to carry. My bad karma had rubbed off on him and the match went downhill from there. Both Paul and I finished very badly and we got totally creamed. In all of our years of playing, it was the worst shellacking that I ever took from those bums. We went into the course café to get a bite to eat afterward and everyone seemed a bit glum.

“Sorry for bringing all of you down,” I stated.

Paul responded, “Don’t worry about it John. It is just the time of year. Business is slow. It’s still cold. I would rather be in Hawaii.”

Rob nodded.

Mark, on the other hand, said, “things are going great for me. You want to hear about it?”

“No,” we all said in unison.

We wrapped up, paid our debts and headed home.

The minute I walked in the door, I knew something was wrong. Cindy didn't even acknowledge me. The kids were watching some goofy cartoons and were still in their pajamas. They hardly looked up.

“Let's go do something fun,” I said.

“Oh sure,” Cindy stated. “You have been out playing golf all morning and now you want to rush right out and do something else that suits you.”

“I meant with the whole family,” I responded. “Something that everyone might enjoy.”

“John, you are so selfish,” Cindy stated. “What you really mean is let's do something that you enjoy. Maybe the rest of us would just like a quiet day around the house.”

I didn't say anything. I grabbed my briefcase, headed for the dining room table and started spreading out papers. I became absorbed in what I was doing and finally got up at about six o'clock that evening. Hank and Oscar had not moved from the television set. I had no idea where Natalie was. Cindy was in the bedroom watching a recording of her favorite soap opera. I asked her where Natalie was and, without looking at me, stated that she was over at Melissa's.

I asked the boys if they were hungry. They had been snacking all day and didn't want anything. I made myself some scrambled eggs and yelled at the boys to go read something. When they didn't budge, I got up and started walking towards them and said in my most businesslike tone that they had better turn that thing off and go read something right now. Oscar could see that I meant business and didn't waste any time in turning off the television. They both scampered away before I could levy any groundings.

I made some scrambled eggs and toast, which went well with a glass of cheap merlot. The first glass went down very quickly but did not have the desired effect. So I had another with dessert, a week old piece of apple pie that had been tucked in the back corner of the refrigerator. My blood pressure finally started coming down a bit when Natalie came in.

“Hi,” I said.

“Hey,” she replied in a rather dismissive tone.

“What have you been doing,” I asked, trying to be pleasant.

“What do you care; you're never around,” she said, going from dismissive to outright snotty.

I just nodded my head and looked at her. I was too tired to fight back. Trying to levy punishment on her was like trying to lasso an eel; it was just very hard to make it take. She treated every demand or request like a negotiation and she was a natural born negotiator. If I said no computer for two days, she pleaded for just one day. If she asked for ten dollars, I would usually counter with five. Her next move would usually be at eight or nine and we would meet in the middle somewhere. It was an exhausting process and she played it to the hilt without expending any identifiable source of energy. If she lost the negotiation process, she would just shrug it off and go on to the next thing. She treated every negotiation like a fast and cheap game of pig on the basketball court. It was a sport.

I went back to contemplating my cheap glass of wine and actually contemplated a third, but held to my limit of two. I got the kids in bed early despite the usual grouching and more attempts at negotiation by Natalie, but by then, my resolve had strengthened and I was able to fend off her parries. I watched the news for a few minutes and then went to bed. Cindy was already asleep.

The next morning, the kids seemed ok, but Cindy and I weren't talking. I left for the office at about seven o'clock. I worked for a while and then took for Olympia. I rolled in just before ten o'clock.

The mood in Olympia was just like my house. The lack of production of new bills had put everyone in a foul mood. The lack of a budget loomed over Olympia like a dark cloud. The Governor issued a press release that he was prepared to immediately call a special session if the regular session failed to produce a budget. His staff members were busy meeting with both of the major parties but had not bothered to get a hold of me.

At shortly after ten o'clock, Cindy called me at my Senate office. I was heartened to hear her voice thinking immediately that she wanted to talk.

"Hi babe," I said.

"John, I have just had a strange looking man come to the door and hand me some legal looking papers."

She described the papers to me and she had just been served with a summons and complaint naming us as defendants. In the State of Washington, if you wanted to sue a married individual and be able pursue jointly owned assets in the event of victory, you needed to serve the marital community. The easiest way to accomplish joint service was to serve a resident of their home who is eighteen years or older.

"Sweetie, I have no idea what this is about. Would you be able to take those papers over to Jennifer at the office?"

"John, what have you got us into? Have we been sued?"

"Sweetie, that's the way it looks. I would like you to take those papers over to Jennifer. She will send them to me and I will figure this thing out. I have no idea why anyone would be suing us."

She grumbled a bit and agreed to take it over the office. We hung up and I called Jennifer. There wasn't much that I could do, so I forced myself to review emails and correspondence, which was coming in from all over the State. I was being routinely blamed for the lack of a budget and causing gridlock. The tone of the letters was disturbing. I was really having fun.

At noon, I grabbed a sandwich, went out to the car and got on the cell phone to Jennifer.

"John, do you remember Toby Nathanson, the salmon charter operator?"

"How could I forget?" I responded.

Toby Nathanson was the most unreasonable, emotional and litigious person that I had ever met. The problem was that he hid all of those traits behind a façade that initially appeared businesslike and intelligent. He came walking in to my office one day a few years ago and asked to see me. I wasn't very busy on that day so I listened to his problem. Toby operated a thirty-six foot twin diesel fishing boat that operated out of a small harbor that catered to sports fishermen. He ran charters throughout the year and was able to make a living doing so. He explained that he ordered some major engine work on one of his boat engines from a company in Aberdeen and after the work was completed, the engine still did not run right. He wasn't able to get satisfaction from the repair shop and he wanted my help. He made it clear that he did not want to sue. He just

wanted me to contact them and have them come out and retune his engine. I did not do any background checking on Toby, which was a mistake, and proceeded to contact the repair shop about his claim. After some hemming and hawing, the repair shop stated they would come out and check the engine. They did so, made some minor adjustments and declared the engine fit.

Toby was not satisfied and as I began to spend more time with him, I sensed that he was not reasonable. He wanted me to file suit, but I declined and recommended that he engage other counsel. That was the last time I saw him. I subsequently learned that he had a history of suing nearly everyone that he had any business contact with and had a history of drug abuse. It was almost three years since Toby and I had last had any contact.

Jennifer said, "Let me read this to you, John. You are not going to like it. It is a summons and complaint. Nathanson is the plaintiff and you and Cindy are the defendants. The suit has been filed in Pacific County Superior Court."

Jennifer proceeded to review the complaint. It was prepared and signed by a lawyer in Hoquiam that was well known for suing professionals for malpractice. The attorney was also active in political circles. The complaint claimed that Toby suffered significant economic damages due to lost business resulting from negligent repair work on his boat engine and that I failed to inform Toby of the statute of limitations on his claim against the repair shop. The complaint further stated that Toby did not realize that he had to bring his claim within three years of the date that he discovered that his engine would not perform and that my failure to advise him of that deadline resulted in his inability to collect damages from the repair shop. Accordingly, I was now responsible for those damages.

My blood started to warm. I remembered having discussions with Toby about statutes of limitation, even though at the time I was representing him, they were far off and not at issue. There was no way that this suit had any merit. What really bothered me was that his lawyer never even contacted me to discuss the facts and to advise of his claim. It was simply inconceivable to me that someone could simply file suit without first contacting the adverse party to see determine the full story. I had never in my career simply fired off a complaint without at least talking to the other party to find out the whole story and see if the matter could be resolved.

I asked Jennifer to pull Toby's file from storage and to retrieve copies of all of my billings to him. My billings contained a narrative description of all of the work performed for a client. Hopefully, my records would confirm those discussions that I remembered having with Toby concerning statutes of limitation.

I asked Jennifer to forward a copy of the summons and complaint to my errors and omissions insurance carrier with a note that we would be in touch in a few days after I had a chance to review my records.

I sat in the car just staring at the speedometer. Everything was going to hell. Things could not be worse at home. My wife was sounding very depressed and my kids were giving me a hard time. I was tired all of the time and my income had taken a major hit. My clients were unhappy because I was never around. I had just received the first malpractice claim of my career. The residents of the State felt that I was responsible for throwing the Legislature into gridlock. And, I couldn't make a five-foot putt if my life depended on it.

I began working on a plan to resolve my problems. I clearly needed some more help around the office and I had to quit fooling around about hiring an associate. I would deal with Nathanson, probably with the help of counsel engaged by my insurance company. Nathanson was obviously looking for a quick and easy buck and, as long as my files were in good shape, that just wasn't going to happen. I was not going to cave in to either of the major parties on the budget, though. I had signed up for the full ride and I could not back off from my platform. The more I thought about it, the situation with the budget was actually proceeding according to my best hopes. What looked like a problem was actually a positive. I wanted to cause gridlock and I had got what I wanted.

During the mid-afternoon, I received a telephone call from Cheri James. She stated that she hated to ask, but she had just learned from the court clerk about the Nathanson lawsuit. She asked me if I had a comment. I responded that neither Nathanson or his counsel had bothered to contact me prior to the filing of the suit and that I had just found out about it earlier today. I told her that I had no comment at this time.

I got home early that night and helped Cindy get dinner on the table. She was very tense. For me lawsuits were a way of life, although I had never been sued personally before. I knew this suit had a long road ahead and it was way to early to draw any conclusions. I tried to explain this to her, but I don't think it took.

At dinner, I tried to get the kids to tell me what they were doing, but everyone seemed in a bad mood. Finally, I just put it all out on the table.

"No one looks very happy around this table," I stated.

No response.

"Would anyone like to say what is bugging them?" I asked.

The table remained quiet.

"Okay. I'll start," I stated. "I have not been around very much. Mom is mad at me. She has probably been tough on you guys too. Is that right?"

I saw some heads nod.

"Guys, every family has their ups and downs. We are going through a down period right now. I will admit that I took on more responsibilities than I was prepared for. This new job is taking a lot of time and causing me a lot of stress. It is rubbing off on everyone and I apologize for that."

I saw some recognition in the faces across the table.

"You are always grumpy, dad," Oscar stated.

"Yeah, and you are making mom sad too!" Hank stated.

"You guys are right and I commit right now to be less grumpy. However, I will admit that I am in a situation that I was not prepared for and I am not sure how long it will last. It could be over in a few days or it could last a couple of months. I cannot tell."

"Why don't you just quit, dad?" Hank asked.

"Quitting is not an option. It would be like walking off the basketball court in the middle of a game. You just don't quit. I will get through this sooner or later. In the next few days, maybe weeks, the pressures will get worse. It may get awful. It probably will get awful. I want you to know that no matter how tough things get, I love you all very much and you are the most important thing in the world to me. If I thought this journey would permanently hurt our family, I would stop and get off. But I don't think that is the case. I admit that I have underestimated the time demands on me. The only thing I can do now is to work through this. I have started on a course from which I cannot detour.

Everything will eventually get back to normal. I promise. We will all get through this and we will come out of it a stronger family.”

The faces peering around the table looked at me a little skeptically.

I woke up early the next morning and got into the office by six o'clock a.m. Jennifer had pulled the Nathanson file and billing records out of storage and left them for me on my desk. I started reading the correspondence and immediately found an early letter to Toby that identified the applicable statute of limitation on his claim. In addition, the letter that I wrote in which I resigned as his attorney identified his deadline to file suit and urged him to contact other counsel without delay to pursue his claims. I left a note for Jennifer and paper-clipped the letters that I wanted her to photocopy. I couldn't wait to speak with the insurance company because, as far as I was concerned, the suit was totally frivolous. A Washington court rule, known as CR11, provides that when counsel files suit without fully investigating the facts, he or she may be subject to sanctions. This case appeared to me to be a prime candidate for CR11 sanctions.

I finished my review by 7:30 am and started feeling much better. I worked for a while on other things and then took off for Olympia. When I pulled in, I grabbed copies of the two Seattle morning papers and went up to my office. A joint session of the House and Senate was scheduled to be convened at 11:00 am for an address by the Governor.

The session was scheduled to end on Friday, only two days away. Rumors were circulating that the both parties would call for a vote on their respective budget bills in both houses on Friday afternoon in a last chance attempt to avoid a special session. I ripped through the papers and did not see anything of import.

Just before 11:00 am, I headed down to the floor of the House and sat down. The Senate was not large enough to accommodate both bodies. The Governor gave an impassioned plea for non-partisan cooperation and stated he had no choice but to call a special session if the regular session expired without a new budget. He reviewed the Democratic revised budget bill and asked for everyone's support. The joint session convened just after noon for lunch.

I joined my usual group for lunch at the downtown café. They were all a bit somber. No one was looking forward to a special session and they were feeling some heat from their constituents to pass a budget.

"Anyone care to wager whose bill will pass?" I asked.

I saw a lot of shrugging.

"Too tough to call," Ryan said. "Who knows what kind of dealing is going on among the leaders?"

"I am hearing some talk that neither party will budge and it is going to be a game of chicken," Tom responded.

"By the way," I said. "Did anyone read about the speech by our airplane manufacturer CEO?"

"I heard about it," Barney said, "but haven't yet read it."

"He states that the State of Washington is going backwards," I said. "The company is now looking to other companies all over the world to partner with to manufacture its jets. The cost of doing business here is too high."

"It isn't just manufacturing," Ryan stated. "The outsourcing of jobs is beginning to hit high tech also. A few nights ago, I got on the telephone with customer service to work out a problem on my home computer and I ended up talking with someone from India. The thing that really is hitting home in my party is that they are realizing that they

are powerless to stop the migration of jobs. They could pass every possible law to prohibit outsourcing, but it would be like trying to repeal the laws of physics. They know this. My leadership is feeling totally powerless, yet our labor constituency is demanding protection.”

“Our business constituents are putting the same pressure on us,” Tom stated. “Wheat and apple farmers want protection from foreign producers, but there is nothing we can really do. They seem to think that we have magic powers.”

“It is time that you start educating your constituencies,” I stated. “You cannot protect them from market forces. To try and do so only saps up tax dollars and postpones the inevitable. It makes us non-competitive when government puts a mask over the problem. Tax dollars spent that way is money stuffed down a rat hole.”

“John, to change the subject, I sense that you may become the target of some awful propaganda,” Barney stated. “The major parties are going to try and deflect all the criticism they can to our defenseless party of one.”

“That doesn’t sound like anything new,” I stated. “Is there anything special they have up their sleeve?”

“If I knew, I would tell you,” he said.

We finished our lunch and strode back to the State campus. I went up to my office and waiting for me was a copy of a new proposed Republican budget bill. I began to look at it.

Emergency rules had been implemented which would shortcut the normal bill review process and that the latest versions of both the Democratic and Republican budget bills would be brought to the floor tomorrow in both houses. I spent the rest of the day reviewing the bills.

When I got home that night, I told Cindy that tomorrow could be the final day of the session but that it might go well into the night. The Governor would try to muscle the legislature to get his bill through. Tomorrow would be an interesting day.

At about 9:00 pm, my telephone rang and I picked it up. It was Richard Belson, the leader of the Democrats in the Senate.

“John, I am sorry to call you at home at this hour, but I am sure that you realize the problems at hand.”

“I do, and I understand. Go ahead. I wasn’t planning on going to bed for a while.”

“John, what will it take to get your vote on our bill?”

“There is nothing that you can offer me at this point except for some absolute cuts so that the expenditures match revenues. That is all I have asked for all along.”

“Is that your final answer?” he asked.

“Yes.”

“Your conduct represents the height of intransigence and irresponsibility.”

“Good night Senator,” I stated.

He hung up without stating anything further.

A few minutes later, the telephone rang again. This time it was from the Republican leader in the Senate and the telephone call went roughly the same. I was making some new friends tonight.

The next morning, I got up at the usual time and went outside to grab the papers. As I was walking in the headline from the local paper grabbed my eye. “State Senator

Sued for Malpractice.” The story summarized the complaint that had been filed and noted that I had issued a “no comment” response. I felt my blood start to warm a bit.

After I sat down at the kitchen table, I went through the Seattle papers

The last day of the legislative session generated quite a few stories. The pundits were lambasting the Governor and the legislators for failure to agree on a budget. Adam Sandlee threw in his two bits with his mixture of fact, conjecture and opinion, as follows:

Today is the last day of the regular session of the Legislature. Our legislators have put their own interests before that of their constituents and have failed to make the most basic of bargains – the biannual budget. This has been a difficult year with the House of Representatives being split evenly down the middle with Republicans and Democrats and the Senate in the same situation, but with a rogue libertarian thrown in for added measure. We shall see how long this iconoclast can last given the fact that he is now a defendant in a major lawsuit based on his own alleged incompetence. My sources tell me that the Plaintiff is on solid footing – perhaps this Senator is a one-trick pony whose time is about up. He clearly is in over his head and he is about to single-handedly cause the State to incur millions of dollars by forcing a special session.

The indirect costs caused by the failure of the State to have a budget probably projects into the millions. State agencies and companies must plan their affairs months if not years in advance. This year, they are denied the predictability of having a budget. Who knows how many jobs will be lost as a result. All because of one man. An incompetent man at that. There ought to be a law.

I laughed out loud. Mr. Sandlee was just too funny. I wasn't sure how many people took him seriously, but I surely could not.

The Seattle papers picked up the story about the lawsuit against me also. My blood started to warm again. I thought about issuing a press release with my side of the story, but the communications that exonerated me were attorney-client communications. Nathanson likely waived the privilege by putting the communications at issue in open court, but there would be a time and place to disclose those communications. The first place for disclosure would be in a court pleading with as little time as possible for Nathanson to respond. There wasn't anything I could do at this stage, anyway, until I spoke with my insurance company and figured out a plan for my defense.

After breakfast, I hopped in the car and headed for Olympia. I immediately got on the phone with Bob Humphreys, a long time business client who, according to Jennifer, had been trying most of yesterday to reach me.

“God damnit Austin!” he shouted. “Are you still practicing law or do I need to find a new lawyer.”

“Bob, I'm sorry for being so tough to get a hold of. This should be over soon.”

“Well I hope so. If I am going to pay somebody a few hundred dollars per hour, they God damn well better be available!” he retorted.

After he blew off some more steam, we finally got down to business and he got the advice he needed. What a way to start the morning.

After I arrived, I received the schedule for the day. The session would be called to order shortly and I was guessing that it would be a long day. Motions would be made to bring the two competing budget bills up for discussion. There was sure to be a lot of last minute haggling, so the actual votes on the bills probably would not occur until well into the evening.

At ten o'clock, I went down to the Senate floor and took my regular seat. The session was called to order and two motions were immediately brought to put both bills up for discussion. The speeches started first on the Republican bill. The Republicans pleaded for cooperation. During the speeches, I was aware of several Republican Senators roaming the floor and speaking with other Senators. I felt that I had better get my two bits in for the newspapers. After lunch, I was recognized by the President of the Senate. I stood up and began.

“Ladies and Gentlemen of the Senate. This bill offers several mixed messages. It purports to make cuts in certain agencies, but overall it provides for a growth in expenditures that exceeds the State’s revenues. We have heard how these expenditures will create jobs. Ladies and gentlemen, Government does have the ability to create jobs, but it is not by public works projects that take money out of private hands. Government helps create jobs and fosters the creation of wealth by providing laws that create a predictable and consistent framework to guide our behavior. Laws which make it illegal for people to aggressively use force or fraud, that protect property and enforce contracts are an example. Without such laws, the biggest and toughest of our society would impose their will over others. Instead of the brightest and hardest working have a chance to succeed instead of the strongest and most brutal.”

“The proponents of this bill argue that it creates jobs due to all of the public works projects that it funds. I urge you to examine those statements. I have no doubt that our highways need improving. It boggles my mind that our taxes cannot even adequately maintain our highways. But instead of asking the question of why our taxes are inadequate and dealing with the heart of the matter, this bill simply wants to tax more and spend more. I simply do not believe that the funds will be spent in a rational manner. The highway projects designated in the bill are most likely the carrying out of favors to influential members of this body and others. The increased revenues needed for these projects will take money out of private pockets where it would have otherwise been invested or spent. Who is to say that we know better what to do with this money than the people that earned it? Conceptually, ladies and gentlemen, the programs laid out in this bill are no different than the Soviet style five-year programs that the USSR used to push. Remember when the socialist economists used to say that the state could rationally forecast demand and direct resources to where they were needed? Remember when they used to say that capitalism, meaning freedom, inefficiently allocated scarce resources and that centralized government could do a better job? Those economists have been laughed out of whatever forum they happened to occupy.”

“For these reasons, I will vote against this bill. Thank you for listening.”

“Mr. President!” the Republican Senator from North Seattle shouted. “I demand the right to defend my integrity against this most hostile and aggressive attack by the Senator from Southport!”

“The President recognizes the Senator and will allow three minutes.”

The Republican Senator then blew higher than a kite. Apparently, he took my comments very personally. He apparently did not like the fact that his pet projects were labeled as socialist era pork and that this august body did not have the intelligence, integrity and foresight to invest public dollars in a wise manner. After he sat down, several others followed in the same vein.

After several more speeches, someone moved for a vote on the Republican bill and the motion was seconded. I voted against and it failed on a 25 to 24 vote. It was late in the afternoon and Senate took a half hour break. It was pretty clear that the session would go on well into the evening.

I ran up to my office and checked my emails and made a telephone call home to Cindy to confirm that the session would be running late. She hardly acknowledged me. A few minutes later, a Democratic Senator from the northeast part of the State knocked on my door.”

“Boy, you sure know how to piss people off Senator,” he said.

I was tired and feeling worn down and responded, “I did not come here to make friends, Senator.”

We chatted for a bit and he acknowledged that he had been sent up by his leadership to give me one last try. He acknowledged that Democratic bill had not changed much from the previous versions. The fact that all other bills including my own were now dead made it clear that he did not have much to offer.

“Senator,” he said. “I don’t understand you. Why did you run for office if you are just going to disrupt the process? What good are you doing?”

“My whole platform was based on disrupting the process,” I stated. “I am doing my job and I frankly don’t care what others think. You guys will probably figure out a way to go around me, but until you do, I will continue to play my role.”

“Wow,” he said. “You would be a good suicide bomber.”

“Now you are being rude,” I responded.

He shook his head and smiled. It was clear that we had no common ground. We shook hands and he left the office.

At four o’clock, I wandered down to the Senate floor. The session was called to order and a motion was immediately made to consider the Democrats’ budget bill. Speeches followed and the Democratic leadership made passionate pleas for bi-partisan cooperation. The Republicans countered that the budget short-changed transportation and other needed infrastructure projects. There was quite a bit of huddling in the aisles with much coming and going. This went on for hours and it was apparent that the Democrats did not have the votes they needed. The Senate then broke for dinner at 7:00 pm with instructions to return at 9:00 pm.

I walked downtown to grab a quick bite. If I were a betting man, I would wager that some Republicans in both the House and Senate would be convinced to bolt and that the Democratic bill would pass before midnight. I ate alone and read newspapers and constituent mail as I ate.

At 9:00 pm, I settled back in my Senate chair to listen to more speeches. A few minutes later, Senator Brown, a Democrat from the 37th District, tapped me on my shoulder and bent down to speak to me.

“Senator Austin, how about helping us out here. You want to bring this session to an end don’t you.”

“I don’t know,” I replied. “I am really having a lot of fun being here on this Friday night.”

“There is no way that you are going to get what you want,” he stated. “Why not be part of the winning team. I can make sure that you get some credit for voting with us and some good press.”

“Is that all you are offering?” I asked.

“Screw you,” he replied and he started to turn and walk away.

“Uh, Senator,” I said. “That should have been ‘screw you, Senator.’”

He completed his turned and began walking. Tempers were getting a little short.

After a few more speeches, I signaled that I would like to speak. A few minutes later, I was recognized. I stood up and began.

“Mr. President, I would love to vote for this bill so that we could all go home. Unfortunately, I am unable to do that. Two Republicans are going to have to buck the tide tonight to get this bill through the Senate. Maybe that will happen and maybe not. I can only speak for myself. I want to make sure that you all understand my position, however. I am not trying to make it more important than it really is. I am not here to obstruct legislation for the sake of obstruction. I am here to vote against bad legislation and I will do so no matter how painful it is. I do not care whose ox gets gored.”

“This bill is bad legislation and it is time that someone calls it so. My constituents put me here to put an end to bad legislation. They did not put me here to make bad deals. I would be breaching my trust with my constituents to cave in. So, I cannot. I have explained many times before about the substantive problems that I have with this bill. At the risk of sounding like a broken record, I will simply summarize. Expenditures must be no more than revenues. That is all. Until I see that happen without any borrowing, new taxes or gimmicks, I will vote no on every bill put before me. Thank you.”

I sat down and listened to some more speeches. It was past 11:00 o’clock p.m. at this point and several Democratic Senators were still scurrying around the Senate floor. It was pretty clear that the Democrats did not have the votes. The speakers were losing energy and a fifteen-minute recess was called at 11:30 pm.

“I walked outside the chambers and saw the Governor and his staff consulting with some of the Democratic Senators. They looked very tense. I went into the men’s room and heard that the House of Representatives had just narrowly failed to pass the Democrats’ budget bill. The budget was now dead. At midnight, the session would end automatically.

The session resumed at a quarter to midnight and there were many vacant chairs. A few points of order were half-heartedly raised. At midnight, the President of the Senate banged his gavel and adjourned the session. The Legislature had no further legal authority to act at that point. The Senators packed their things and headed home.

I got home around two o’clock that morning. I was dead tired and went straight to bed.

I woke up a little later than usual. I said goodbye to the kids as they were making their way out the door.

“So, is the session over?” Cindy asked.

“It is, but only temporary,” I replied. “The budget didn’t get passed last night. The Governor has no choice but to call a special session.

“Did you play a roll in stopping a budget from being adopted?”

“I voted against it.”

“Well, given your stubbornness, it doesn’t surprise me,” she said. “I have never met anyone more stubborn than you.”

I just nodded.

She just looked at me and sighed.

I went outside to grab the newspapers and came back in.

As I was sitting at the kitchen table and thumbing through the papers, I asked, “Is there anything you want to say, honey?”

“What good is to speak my mind if you are never around?” she said while jutting her chin directly at me.

I just nodded again and she went back to cleaning the kitchen. I figured it was best to just keep my mouth shut.

As I read the articles about last night’s session, I came to my favorite writer. Here is what he had to say.

Gridlock in the Legislature

Adam Sandlee (Analysis) Olympia, WA. Washington came within a hair’s breadth of passing a budget last night. The House of Representatives narrowly failed to pass the Governor’s budget bill and it failed to come to vote in the Senate. The votes obviously weren’t there for a victory. As usual, the lone libertarian Senator from Southport, John Austin, is responsible. The State of Washington faces a shut down in services unless it passes a budget. The Governor will undoubtedly be calling a special session to get a bill adopted.

The problem is that Senator Austin, for some reason, has given the Republicans some backbone. The usual course of action in a closely divided legislative body is that someone from either party is offered so many benefits that they switch their vote in the end to get an important bill through. They may become a pariah in their own party, but who cares if the opposition will suddenly cooperate in helping you get your bills through. The Democrats were roaming the aisles of the Senate last night offering who knows what, but nobody budged. Perhaps everyone was having too much fun contemplating what will happen to the Senator from Southport when the roof caves in on him, which it inevitably will.

The process has already started. The Senator from Southport has just been sued for attorney malpractice. It turns out that the Senator does not have the pristine reputation that everyone thought. Given his proclivity for throwing a monkey wrench in the legislative process, it stands to reason that he is probably a real deal killer in the legal world. It is no wonder that

he has been sued. It is a shame that something like this did not come out sooner so that everyone would know just what kind of person he really is.

The Governor will pass his budget bill. The State will spend hundreds of thousands of needless dollars in doing so by reason of the costs associated with the special session. This is extra painful given the State's depressed revenues. We can all thank the Senator from Southport.

Cindy had been talking to me while I was reading and I did not hear a thing.

"What was that sweetie? I didn't catch that."

She turned her back, walked out and slammed the door behind her.

I finished cleaning up the kitchen as a show of good will.

After breakfast, I headed over to my office and started plowing through work. It felt great to have an uninterrupted day in the office. My workload had gotten completely out of control during the last week and was in total disarray. Just before lunch, Jennifer and I spent some time designing a help wanted advertisement for the State bar association monthly journal and some of the local bar association journals as well. I was now in an urgent mode to find an associate. I was motivated to save my marriage and some clients.

At lunchtime, Mark wandered in.

"How much malpractice insurance are you carrying?" He asked. "Have you been cancelled yet?"

"You are absolutely the rudest man on this planet," I responded. "Are you still seeing Cheri Baker?"

"She is madly in love with me."

"Oh?" I said.

"Well, kind of," Mark stated. "She will be soon. No doubt. She won't let me sleep with her, but I think that will change any day now."

"Mark, I would just as soon not know the intimate details of your relationships," I said.

We went off to lunch and discussed a strategy to repair the shellacking that I was taking in the press

I spent the rest of the afternoon working client matters. It took a good part of the day just to get the work organized so I could figure out what the priorities were. At about 4:30 pm, I received a telephone call from the attorney who had been assigned to represent me by my insurance company. We discussed my case and established a preliminary strategy.

I wanted to move as quickly as possible for a dismissal and I felt that the correspondence in my file would make a pre-trial motion to dismiss feasible. I also told him that Nathanson had a proclivity to sue people and that everyone in the county knew it. I wanted to take out an advertisement in the local paper and list the number of legal actions that he had commenced in the last fifteen years. There were over thirty actions and he prevailed in court on only one of them. Most were dismissed and he had settled a few prior to trial. The attorney cautioned me to avoid doing anything rash at this point. It was way to early to escalate the action – we needed to conduct some discovery so we could tie down all of the relevant facts. I agreed to sit tight for the time being and let the lawyer go through the usual procedures.

Fortunately, most people in the area knew of Nathanson and I did not detect any fall off in business as a result of his claim. My Seattle clients had not been calling as much though. I discussed with my counsel the possibility of bringing a claim for libel and defamation, but he stated that filing pleadings in court did not usually provide a basis for those kinds of suits, and besides, I was now a public figure and was subject to a very tough burden of proof in proving those things.

It really grated that this claim was fodder for the newspapers and I wanted to present a public defense as soon as possible. I would, of course, abide by the advice of my lawyer. For one, it was good advice and should lead to the ultimate dismissal of the case, and secondly, if I were to not follow the advice, I would jeopardize my insurance coverage. So, as painful as it was, I would have to keep my mouth shut about the case for the time being.

It was now the first week in May. The weather was getting warm and baseball season had already started. Natalie was playing girls' fast pitch softball and the boys were playing their first year of real baseball. They had originally started off in kindergarten with tee-ball, then coach pitch, then kid-pitch with the coach coming in to pitch after four balls and finally, they were playing regular rules baseball. Both Oscar and Hank thought they were real studs. We were again fortunate getting them on separate teams so they wouldn't have to deal with each other. I wasn't able to play with the kids earlier this spring, but they were in good form. Cindy and I had three games to watch every Saturday, so that made for a long day.

The Governor had not immediately called the special session. He was probably working on a legislative strategy and did not want to start the session without having a viable plan in place.

I got a lot of work done at the office that week, and one night, I drove up to Seattle to address a local chapter of the Libertarian Party. I had had very little contact with the party during the session. The Libertarian Party was pretty loose knit and casual. The local chapter met once a month for dinner and invited a speaker to speak at the end of the evening. About one hundred people attended the dinner and stayed around to listen to what I had to say. Libertarians are a very diverse group and not all were complimentary to the positions that I had taken, particularly on the budget. Many felt that my simply demanding that expenditures match revenues was not nearly dramatic enough because it obviously allowed the budget to fund many non-essential functions. My explanation that I wanted to remain relevant to the budget negotiations did not seem to satisfy several and I received some pretty blunt criticism. On the whole, despite their differences, the group was very intelligent and gracious and I enjoyed discussing the issues with them.

After dinner on Friday evening, I turned on the news and saw that the Governor had called a special twenty-day session to begin on Monday of the week after next. There was going to be a real photo finish on the budget because the session would conclude only a few weeks before the expiration of the fiscal year. The Governor did leave himself an option for calling a second special session before the shutdown occurred, but I couldn't imagine the tension that would be present if that became necessary.

I had next week to clean up my office before the Legislature would begin and I intended to make the most of it.

The next week was productive and I pumped out a bunch of work that my clients had been waiting for, which reduced some of my anxieties and appeased some cranky clients. I got my desk somewhat under control. Cindy and the kids started settling down a bit because I was around more, but I tried my best to prepare Cindy and the kids for several more weeks of legislating. Things around the house were still not back to normal. Everyone knew we were in a temporary respite and once the Legislature started up again, my schedule would probably be worse than before.

On Monday morning, I went into the office, left some files and instructions for Jennifer and headed off to Olympia just before noon. The Session would be formally

opened by the Governor at 2:00 pm. Based on agreements between the major parties prior to the end of the last session, all committee appointments and chairmanships would remain the same.

I went up to my office, reviewed correspondence that had accumulated and headed down to the House floor at just before 2:00 pm where the Governor would be addressing both bodies. After the formal introductions and ceremonies, the Governor gave an emotional speech about the need for bipartisan cooperation. He pleaded for the legislators to forego their individual interests and consider the needs of the State and all of its constituents. It was all very touching.

After the Governor's speech, the President of the Senate announced a short adjournment and stated that each party would be circulating new draft budget bills. The Senate then adjourned for the day and I headed back to my Senate office. Aids from the major parties then came by and dropped off copies of the their respective bills and explanatory notes. The rules regarding the processing of bills had been suspended. The normal process of bills first being presented through committee would be abandoned so that they could be reviewed and discussed on the full floor of the Senate.

The Republicans remained an enigma. Their new bill was very similar to the prior drafts, namely, it was loaded with pork. The Democrats' bill had dropped prior proposed tax increases, but still relied on some borrowing and deferring of recognition of expenses to subsequent years. It still did not contain the cuts, in absolute terms, that would satisfy me. I studied each of the bills and got a strong sense of déjà vu. I had seen all of the figures before, so I headed home to Southport so I could be home in time for dinner.

The first week actually went pretty smoothly. The daily sessions were short but there were no indications that either of the major parties would budge from their positions. Representatives of both parties checked in with me and I informed them that my position had not changed. On Friday morning, my favorite reporter wrote the following piece.

Gridlock In Olympia: Chapter Two

Adam Sandlee (Analysis) Olympia, WA. Both the Democrats and Republicans continue to push forward with their respective bills in the Legislature. Both the Senate and the House remain deadlocked. The budget represents the ultimate game of political chicken. Whoever blinks first loses.

Each party is looking for a soft spot, but the soldiers that constitute both parties are remaining in line. No soldier has given any indications of going AWOL and voting for the opposition's bill, but it is only a matter of time before that happens. The pressures will mount and someone will break. The word circulating Olympia this year is that anyone who goes AWOL will need to change parties.

The real source of the deadlock continues lies with one lone Senator – John Austin from Southport. He continues to be a destabilizing influence

in the Legislature. Politics requires give and take and negotiating, but Austin seems incapable of doing that. Pretty strange for a lawyer, but perhaps he is not your ordinary lawyer. A recent claim for malpractice against Austin filed by a deserving fisherman in his home district makes this clear. Austin's rigidity appears to be rubbing off on the other legislators. He has become the lightning rod for gridlock.

Let us hope that the major parties come to their senses and resolve their differences. The State's finances hang in the balance. Chaos will reign if a budget does not get passed quickly.

Sandlee still had it in for me. I started to pencil out a response and planned to request his paper's editorial board for space to reply. I spent the rest of the day responding to constituents and working on my reply. I spoke to the newspaper and they indicated they would consider printing my reply. When I finished it, I emailed it to Mark for his comments. When he was done, I went through it again and sent it off to the newspaper.

The session was oddly quiet. There were no bills circulating other than the two competing budget bills. There was not much to do. Debate and voting had not been scheduled.

That weekend was spent watching the boys play baseball and Natalie play fast pitch softball. Mark Dilbert was head coach of the girl's fast pitch team. He was turning into a career coach. His warm ups included having the girls run around the bases backwards and having them put their gloves on the wrong hand and throwing with the other. He was always coming up with something totally off the wall and he often had the opposing coach trying to figure out what he was up to.

Mark was the perfect match for a bunch of twelve year old girls. The girls were much more vocal than the boys and they didn't worry about trying to look cool. The girls would yell cheers from the dugout with unabashed enthusiasm.

"You got a piece of it, now get the rest of it!!!!"

There was no way that the boys would even think of joining together in cheers.

Cindy and I had a date on Saturday night and we actually had a good time.

When I rolled into Olympia on Monday morning, the first thing I saw was what appeared to be at least one thousand picketers and marchers on the steps of the Legislative Building. They were chanting and held placards that indicated that most were affiliated with several public employee unions. The chants were along the lines of: “One, two, three four, pass a budget now or out the door.” That was actually one of the nicer ones. Many of the placards were directed at me and were along the lines of: “Austin Believes in Dog Eat Dog; Let’s Feed Him to the Wolves.”

I was able to get my car into the garage of the Legislative Office Building without a problem, but as I got up to my office, there was a crowd of people around my door and I was unable to make my way in. A poster had been taped on the wall next to my office door showing me hanging from a noose.

That did not bother me, but I headed down to the main level to get some help from security so I could get into my office. A couple of guards came up with me and ushered the people out of the building and took down the poster. Several photographers were there to take pictures. I caught a glimpse of Adam Sandlee walking away. The gutless little reporter didn’t even have the courage to say hello or look me in the eye. Some adversary.

The mail that was coming in was getting pretty vicious, although there was the occasional letter of support. I tried to respond to each one and that kept me busy for the rest of the day.

The next morning, I walked out to get the papers and started my usual routine of reading the papers over a cup of coffee. When I got to the editorial page of the largest Seattle paper, my reply was printed in its entirety.

It Takes Two to Tango and to Create a Deadlock
By: John Austin, Wash. State Senator, 19th District

I don’t mind that I am being blamed for causing the Legislature to fail in passing a budget. In fact, I invite the attention and the attribution. I only wish it were true. If I could really cause a deadlock in the Legislature, then I would truly be accomplishing something. I can think of no greater complement and no greater service to the voters of the State of Washington. The reason I say this is that most legislation is unnecessary, inordinately complex and destructive. Special interests parade through the Legislature and ask for bills that benefit their clients or interests. Both major parties participate fully in that exercise. I do not.

As I have stated before, households and businesses in Washington State are under intense pressures to cut their budgets. They have to live within their means. My position has been and remains that the State’s expenditures need to match its forecasted revenues. That is hardly a radical position and I have taken a lot of flack from my fellow libertarians for being too soft.

It is hard for many businesses to make an honest living. In order to sell something, they have to provide a good value and they have to convince a person

or another company to part with their hard earned money on a voluntary basis. They have to have the right product or service in the right place at the right price at the right time. They have to have credibility and the ability to service or warrant the product or service. Business is tough and it is risky– it is either up or out. A lot of companies try to shortcut the process, however. They find it is easier to visit their local legislator and to obtain a sale or some other benefit from the government, directly or indirectly. This game is a simple end around the normal test provided by a private consumer.

The budget proposals submitted by both of the major parties contains many spending elements that benefit special interests, both public and private. For some reason, the Republicans have adopted a more bloated approach than the Democrats. My view is that the budget should be minimal and the State must go back to providing only the basic services, such as police protection and civil justice system. I want to eliminate pork.

I am as confused as most of you as to why the two major parties haven't gone around me and made a deal. Perhaps they are being extra careful in their deal making now that a third party is looking over their shoulder. Perhaps each is feeling more resolve than usual – with a third party present, they feel they can pass the blame.

The voters are dissatisfied with the status quo. The two parties need a watchdog and what better person to play that role than someone who is not willing to trade votes, cater to special interests or increase the power and scope of government. That is my roll and I am not about to relinquish it. I relish gridlock.

After breakfast, I stopped by the office and spoke with Jennifer. We were starting to receive resumes in response to an advertisement that we had placed in several bar journals for an associate attorney. I asked her to go through them and pick out the strongest candidates. We concluded with some work assignments and then I headed off for Olympia.

While on the way, for once the phone didn't ring and I listened to local news station on the radio. A political commentator came on and stated:

John Austin, the libertarian State Senator from Southport has really taken the gloves off. In a written response printed in one of the Seattle morning papers, he has blown the top off any sense of decorum or decency. He has, in effect, called his Republican and Democratic colleagues whores and he has anointed himself as chief watchdog. He is gladly taking any credit that he can for bringing the Legislature to full stop. He obviously would like to see his efforts expand to the entire apparatus of the State government. He is a dangerous man with no sense that he is just one small man playing a very important game. He is obviously delusional and should be recalled. Sign me up for the recall petition.

It was a good thing that I did not feel the need to have everyone like me. Apart from the fact that my personal and business life was in the toilet, my election was causing much more consternation than I had thought possible. I viewed the pundit's viewpoint as positive.

When I pulled into the garage of the Legislative Office Building, I saw more protestors out in front of the building. The placards and chants were the same as yesterday, but there were definitely more people there.

Other than responding to my mail and email, there was very little for me to do that morning. There were several meetings occurring concerning the competing budget bills, but I had no interest in attending them. There would be no activity on the Senate floor.

The mail that I was getting was actually starting to run more positive than before. The negative mail was, of course, vindictive and sometimes threatening. There was very little in between. The weather was good so I spent as much time as I could in my car or sitting on a public bench talking on the phone or working on my laptop.

The next few days went on like this. The tension surrounding the Legislature was building. There were many meetings involving the major parties and there were rumors of compromises, but no substitute bills surfaced.

We were now into the month of June and the special legislative session only had a little more than a week left. The commentators in the press were becoming increasingly acerbic and they were very critical of me, the major parties, and particularly, the Governor. I was still attracting a fair amount of attention, but the big questions remained as to why no one bolted from the major parties to swing the vote or why the major parties were unable to negotiate a compromise.

Life went on as usual around my house and office, which meant there was lot of room for improvement. I was still working late at nights and was getting out to the office early in the morning to try and deal with as much as I could before driving to Olympia. School was coming to a close so the kids were pretty upbeat, but Cindy was still not a happy gal. Summer was not the best time for her anyway. It meant that she never got a break from the kids. Jennifer had lined up a number of attorneys for us to interview and we had some very good candidates.

When the weekend came, the newspapers blasted the legislators for failing to reach a compromise on the budget. The commentators simply could not understand why they could not come to an agreement. Several State agencies began contingency planning in the event of a shutdown and they were making their plans very public. The public employee unions were getting a lot of press about impending layoffs of public employees.

I took some time off over the weekend and Cindy and I enjoyed watching the kids play several baseball and softball games. We had a nice dinner with Mark, Melissa and Cheri Baker on Sunday night at our house. Mark and Cheri's relationship remained a bit of a puzzle, but Melissa and Cheri got along extremely well. Melissa was definitely Mark's better half.

On Monday morning, my alarm went off at 6:00 am. I got up, put on my sweats and then went outside to grab the newspapers. As I walked out, I noticed that there were quite a few cars parked along the street, but I did not notice any unusual activity so I went back inside. About twenty minutes later, as I was in the middle of the papers and enjoying my second cup of coffee, I heard the sounds of some familiar chants coming from down the street.

"One, two three four! Let's show Austin the door!"

I looked outside the kitchen window and saw a group of about one hundred and fifty people marching down the middle of the street out in front of my home, many of whom were carrying placards. They were loud but reasonably orderly. When they came to my house, they stopped and the ringleader, who had a very loud bullhorn, started leading more chants. By this time, Cindy and the kids were all down in the kitchen. The kids were a bit amazed but Cindy was not happy at all.

"John, call the police," she stated. "They can't be doing this. They are disturbing the peace!"

"Honey, they are exercising their First Amendment rights of freedom of expression. If we call the police, it will just escalate the situation. That is what they want. They want to cause as much disruption as possible and to attract as much attention as possible."

As I was saying this, I saw a couple of police cars pull up at the far end of our block. A television news truck with a roof mounted antennae pulled up behind them. It did not take long for a cameraman and news reporter to get out and start filming. The reporter started interviewing several of the marchers and then made his way to the front door of the house. The doorbell rang.

"Sweetie, someone is at the door," I said in as normal a tone that I could muster.

She glared at me.

This was too funny and I couldn't help continuing.

"Would you mind seeing who that is?" I asked.

"John, you are not funny. This is your problem and you had better deal with it right now," she exclaimed. "Those people are in my yard!"

While gritting her teeth, she added, "I want all of these people to go away. The children need to get to school. I have things that I need to do! I did not buy into this kind of treatment mister."

I had never heard her call me mister before.

"Now you deal with this and get these people out of my yard right now!" she exclaimed.

I combed my hair with my fingers, tucked my shirt into my sweat pants, walked over the front door and opened it. I had not shaved and probably had a good case of morning-coffee breath.

A news reporter from a Seattle television station was there with his microphone held out. He undoubtedly had been tipped off the evening before. A cameraman was standing to the side with lens aimed at me.

“Senator Austin, I am Mort Simpson from Channel 8. What do you make of this?” the reporter asked.

“Just a few people expressing their opinions,” I replied. “I always enjoy getting input first hand.”

“Does it bother you that these people have come to your front yard at 7:00 in the morning?” he continued.

“No, but my wife is a little concerned about how she is going to get the kids out the door and to school on time.”

“Are you expecting any violence?” he countered?

“No. It looks like a respectable group of people out here and they are just expressing their opinions. I have no fear for my or my family’s safety.”

“Will this situation cause you to rethink your position and allow the Senate to pass a budget bill?” he asked.

“No, I am doing the right thing. This is why I was voted into office.” I replied.

“What makes you so sure that you are right?” he asked. “Just think of the people that will be put of work and the projects that will come to a halt if the State doesn’t pass a budget. Don’t you have a conscience?”

“Just think of the jobs that will be created if more money is left in people’s pockets to spend and invest. The budget only represents a transfer of money from those who earned it. A budget doesn’t create any new money or new wealth, investment or jobs.”

“Senator Austin, the budget represents new roads and public works. Surely, you don’t think that those are unworthy investments.”

“Mr. Simpson, if you could see the process by which politicians decide which roads and public works projects to fund, it would make you ill. Believe me, until we have some major changes in the way this State is governed, the money is much better left in the people’s pockets.”

“But Senator,”

I held up my hand and cut him off.

“Mr. Simpson, these folks have come from all over the place at this early hour. I think they deserve some consideration so I will attempt to converse with them. I would appreciate your exiting my front porch.”

The reporter and camera man then walked off the porch and out to the side of my yard so they could get a wide angle shot of all of the people in street and in my yard. I walked out to the edge of my porch and the crowd started to boo.

I stood on the edge of my porch and let them boo. My kids were looking at me through one of the front windows. I stood there for a about a minute saying nothing and finally the boos started to dissipate.

“Folks, I appreciate the fact that you have appeared here this morning to express your dislike for my policies,” I shouted.

The boos started up again, but I could still be heard.

“Just like you, I have a conscience. I want to do what is right.”

More boos.

I thought for a moment and concluded I better make this short.

“Folks, I know why you are here and I appreciate your enthusiasm. You are welcome to stay as long as you would like. I do ask that you don’t trample our shrubs and flowers. The tulips are coming up and I am going to be in even bigger trouble with my wife if they are destroyed. I wish you all a good day!”

With that, I went back inside. The kids went to get ready for school, but there was no way that I was going to have them walk through the crowd. I didn’t want to leave Cindy home alone, so when everyone was ready, we all went into the garage, got into the car and slowly backed out of the driveway. The crowd was peaceful and the police were present, so I really wasn’t worried about any property damage, except for the petunias.

We drove quietly to the elementary school and dropped the boys off and then to the middle school and dropped off Natalie. Cindy was quiet for the whole way except for speaking to the kids. As we rolled back into the driveway of our home, the crowd had already started to thin. There were a few people milling about their cars. Hopefully, they were planning their strategy to picket some other politician.

Cindy and I went inside and she said, “John, what have you got us into?”

“Just another adventure, sweetie.”

“Like the hike we took on Kauai one year – you almost got us killed,” she retorted. “You never know when to stop and you never consider the consequences of your actions.”

“Well sweetie, that could have happened to anyone. Those storms come in pretty quick.”

“John, there were weather warnings that day – but you said not to worry.”

“I got us back in one piece, though, except for that cut on your leg for which I am eternally sorry.”

“How about the time we took the kids snow-shoeing. The people at the lodge said the kids were a little young, but as usual, you just blew him off and did your usual thing. We are lucky we weren’t buried alive out there!”

“Honey, it was just one of those things. The park rangers found us okay.”

“John, don’t you see the pattern here? You are constantly getting into things over your head. Your parents told me all about the stuff you did as a kid. When are you going to grow up and just be happy with what you’ve got?”

“Sweetie, I am happy with what I’ve got. I just didn’t quite foresee the present situation. This will all be over shortly.”

She then stomped out of the room and I got ready for the day. I didn’t have time to stop at the office, so I took off for Olympia about a half hour later. I spent most of the time on the telephone with Jennifer laying out some assignments and going over some of the attorney resumes that we had received. After hanging up, I turned the radio on to listen to one of the news stations. After a few minutes, a commentator came on with the following story:

This morning at approximately 7:00 am, approximately 200 protestors picketed the home of State Senator John Austin from the City of Southport. The protestors

were vocal but peaceful. News reporter Mort Simpson was there for a short interview with the Senator. (Excerpts of the questions and answers from this morning were then played).

Senator Austin certainly has a knack for rubbing his positions right in your face. It is no wonder that so many people are upset with him. It is almost unheard of that protestors would actually march on an individual politician's home. The usual rules do not apply to this Senator, however. He is brash and arrogant. He thinks he knows it all and he is not a bit conciliatory. It serves him right to have his personal space intruded upon.

Tension is growing in Olympia. Many State agencies are planning for a shutdown in case the Legislature does not pass a budget. The Governor and his staff are furiously meeting with members of the State House and Senate to work out a budget acceptable to a majority. The Governor's political career is at stake. No one would blame him if he were out protesting in front of Senator Austin's house this morning.

I pulled into the garage of the Legislative Office Building and headed up to my office. The Senate would not be meeting on the floor today so I began reviewing my mail. After a few minutes, someone knocked on my door and I invited them in.

A young woman entered and stated she was an aid for the Senate Democratic caucus. She asked if I could meet with the party leaders at 11:00 am. I told her I would do so.

I continued to read my mail and at just before eleven o'clock, I made my way over to the Senator Belson's office, the Democratic leader in the Senate. I was invited into a large conference room and there were several Democratic Senators there as well as members of the Governor's staff. By now, I knew the Senators by first name. The Governor's staff was a little stiff. Introductions and pleasantries were quick.

"Senator Austin," Senator Belson asked, "have you wondered why no Republican has come over to our side on the budget?"

"I have thought about it, but I am not sure that I know the answer," I responded.

"Well, here is the answer. The Republicans would like to do nothing more than embarrass the hell out of the Governor. He is up for re-election next year and they want his job. If he fails in passing a budget and the State falls into chaos, the Governor is going to have a major problem. The Republican leadership is pulling out all stops to keep its troops in line. Whoever bolts will face some significant penalties."

"Makes sense," I stated. "That certainly explains why the Republican have remained unified. So, why haven't a few Democrats caved in and made a deal with the Republicans?"

"That's a tougher one to answer," he said. "We don't wield the whip like the Republicans do. If push comes to shove, someone just might do that. However, right now, the Democrats appear to be unified."

"If you would like to give the Governor a win in the Senate, adjust some of the spending out of your bill, like I have been requesting since January."

“We are considering doing exactly that,” Senator Belson stated. “But we would like you to do one thing.”

“What is that,” I stated.

“We obviously need to get the same bill through the House of Representatives,” he replied. “As I stated, whoever breaks from the Republicans to vote for the bill is history with that party. We need someone in the House like you – a renegade. Someone who is prepared to walk away from their party. We have an idea as to who might qualify, but we think it would be best if you talked to them. You will have a lot more credibility. No one will notice you when you make the approach. In fact, you have lunch with our prime candidate on a regular basis.”

I thought about this for a few seconds and concluded that he could only be referring to Tom Bush, a Republican member of the House who was part of my lunch group.

“I will consider your request and I obviously know who you are referring to, but there is something I want as consideration.”

Senator Belson and several others grimaced.

This was an opportunity not to be squandered. I had the Democratic Party ready to vote for a bill that violated every one of its principles, which was in itself significant, but I needed something else. The bill needed a libertarian face.

“Senator Belson,” I stated, “this is what I have in mind. Your party is about to make a major change. Your members are going to be dragged kicking and screaming into making some real cuts and to revert to its Jeffersonian roots of limited government. It is my judgment that the bill needs something else other than a spending reduction. It needs to send a signal to the people that we, the politicians, recognize the fact that the people are the best decision makers of how to deal with their own money. I want the bill to contain preamble stating as much. I want the preamble to state the bill represents for the first time in many years that the budget, in real dollars, will decline from the previous budget cycle. I also want some public acknowledgment for providing input on the cuts.

Several of the Senators looked pretty grim and Senator Belson was looking up at the ceiling. It was a good sign that they were not happy. Negotiations should usually inflict some pain; otherwise, something significant would probably be left on the table. It was an even better sign that they had not immediately terminated the meeting.

“If this bill acknowledges you in a public manner, then it will be apparent that you will vote for the bill,” Senator Belson stated. “We need to be as subtle as we can about this alliance because if the Republicans sense that you will vote for the bill, they may try to delay the vote.”

At that point, several of the Senators started posing questions about language for the preamble and the level of the cuts and where they could occur. I told them what I had in mind for the preamble and referred to my notes that I had given them during the regular session. The meeting lasted the rest of the afternoon and we were able to arrive at an understanding.

We concluded the meeting with an agreement that our understanding was subject to the Governor’s approval and if he wanted to go forward, his staff would put together a revised budget. Attribution for my role would not be made public until after the vote in the Senate. I would work on the language for the preamble. All of this work would have to happen within the next few days for it to be in time to push through both the House

and Senate. I also agreed to approach Representative Tom Bush, my Republican friend from the House.

As I walked out of the office, I did not have a clear idea on how to approach Tom and I went back to my office to think about it and to check my mail.

Several of the agencies had really been milking the press with stories of their impending shutdowns. The Department of Transportation was threatening to bring road maintenance to a halt. The Department of Health was planning to stop oversight and licensing of hospitals – as if that was something they could do effectively. The public was taking these threats seriously, however, and I started to pencil out a guest opinion piece to argue that not all of the State’s allegedly essential services were in fact essential and while the public should get ready for a reduction in services from the State if a budget was not adopted, that it would not be the disaster that it was being made out to be. Local governments would continue to provide police protection, private and public utilities would still provide utility service, the prisons would not be letting criminals out of their cells and life would continue.

It was only five o’clock and I had mulled over enough ideas in my head that I felt ready to call Tom Bush. I dialed the number of his office and he picked up. Like me, he didn’t have a receptionist or secretary.

“Tom,” I said. “John Austin. Do you feel like grabbing a beer?”

“What’s up,” he inquired.

“The budget,” I stated.

“Don’t tell me that you are working on some kind of deal! Did the Democrats really come around to what you want? Are you looking for a yes vote in the House?”

“Tom, as usual, you are very perceptive. Let’s not discuss this over the telephone,” I said. “I am tired, thirsty and in need of some nourishment. Let’s go have one of those shady meetings in the back of a bar that you always hear about.”

Tom paused for a second and then agreed.

I called Cindy and told her that I would not be home for dinner.

“What else is new?” she stated, and then I heard a “click” on the other end of the line.

Tom and I agreed to meet at 6:00 pm, for a beer in the lounge of the little café where we often ate lunch. I finished responding to my mail and then shortly before 6:00 pm, I put on my jacket and walked over to the café.

It was a beautiful late spring evening. Spring in Western Washington was a glorious time of year. The weather could be unpredictable, but this was one of those nights that seemed like summer.

I ran into Tom on the way and we talked about our families and work. Tom was a commercial real estate broker from North Seattle. He was about my age and had a wife and two college aged daughters. I didn’t have any idea about Tom’s background, but the guys I knew in commercial real estate that survived until middle age made very good livings – better livings than most lawyers. He was smart, confident and easy to converse with. Unfortunately, he didn’t play golf so we didn’t have that to talk about.

When we got inside, both of us ordered a glass of beer and we sat down in a quiet corner.

“Are we doing anything illegal?” Tom asked.

“I don’t think so,” I replied. “But I am not your lawyer so you may not rely on me for legal advice.”

He laughed and stated, “If you weren’t married with kids, I would be getting pretty nervous.”

“I promise to keep my hands to myself,” I replied. “You are pretty cute though.”

He belted out a good laugh. Tom was a good guy – not at all afraid to laugh and not a stodgy bone in his body.

“Well, here is the deal,” I said. “The Democrats are desperate for a victory. They are convinced that the Republicans are not worth bargaining with because the Republicans are so intent on seeing the Governor fail. The Democrats are willing to make further cuts in the budget. The decline in spending will match the decline in revenues. They will also agree to a preamble in the bill that I will draft, although there will likely be some give and take over the language. The preamble is going to contain wonderful thoughts about the people taking back their government and being credited with the good sense of being able to use their hard earned money more wisely than the government. I have not seen any of this yet. But, if they do what they say, I will vote for the bill. They think they can hold their troops in line so that should give them a victory in the Senate.”

Tom then piped up, “I see where this is headed.”

“The Democrats thought you would be a good candidate to contact. For whatever reason, they arrived at the conclusion on their own. Our lunches have probably been noticed because they knew that we know each other. They asked me to contact you and I agreed. I am doing this in part because I would like to have sex with my wife sometime during the remainder of this year. I am not getting anything out of this except they will give me partial credit for the bill after this is all done. There is no other dealing going on.”

“Do you have any idea what the Republicans would do to me if I voted for this bill. They will tar and feather me and my political career as a Republican will be over.”

I nodded and said, “I have no experience with this sort of thing, so I have no idea what you would face from them. I suppose your options would be to become a Republican outcast, switch to the Democrats, become an independent or join my little tea party.”

Tom’s eyes were looking up at the ceiling and he was lost in thought.

“You know,” he stated, “I have been really uncomfortable with how the Republicans have handled the budget issue. Personally, if I had my druthers, I would join you in a second. However, this would be a life change. This will take me out of the running for any higher offices. There is no way I will join the Democrats. Those dirty bastards are only going to cut the budget because they have no other choice. Most of them believe in socialized medicine, high tax rates and more regulations. That option is simply off the table, and besides, Democrats don’t have a chance in my District. I want to think about this and talk it over with my wife.”

“I don’t mean to sound like a life insurance salesman who cautions you about getting hit by a truck the minute you step off the next sidewalk, but there isn’t much time left,” I stated. “My sense is that all bets are off if this doesn’t get done in this session. Given the fact that there are only a few days left, a lot is going to have to happen for this to come together.”

Tom nodded and I could see he was still thinking. We then changed the subject and spoke about our daughters. He had two in college. I couldn't imagine raising two in the same household. I told him about my one and her recent change in attitude. He laughed and told me it will only get worse, but then, after about age twenty, they start getting easier to get along with. I thanked him for that. We finished our drinks and then headed outside and walked back to the campus.

On the way home, I called Mark and told him about my day. He called me an appeaser along with some awful names, but he didn't argue too much. He was enjoying the fact that both parties were being subjected to so much scrutiny and derision from the press.

I got home at about nine o'clock that night and made myself some dinner. Cindy came in to join me. She looked pretty glum and added that she was worn out by the kids. She stated Natalie could be cooperative and delightful one minute and sullen and uncooperative the next. She wanted lots and lots of things and felt that her mere existence should suffice as a reason to buy her things. Things between mother and daughter were a little tense.

I told her that I thought there was a fifty-fifty chance of this being the final session of the year. She nodded without saying anything. She seemed resigned to being unhappy.

We watched the ten o'clock news together. The impending shut down of the State was now the major headline story. The reporters flocked to the stories about the layoffs and loss of payouts to the indigent. The pundits had really ratcheted up their criticism for everyone involved. It was a game of chicken.

I went to bed well after Cindy, which had become our usual routine. She was sound asleep when I got into bed. She was wearing full pajamas even though it was warm.

My alarm went off at its usual time the next morning and I went down to the kitchen. I opened the front door to let the cat out and to go outside to get the paper, and there sitting on the front porch was a shoe box wrapped in brown paper. There was an envelope taped to the box and on the front of the envelope my name was scrawled in pencil along with the words "Rest in Peace."

I knelt by the box for a few seconds trying to think what to do. I had absolutely no training or experience with this sort of thing, so I stood up, closed the door and gently walked back inside. I then ran upstairs and rustled Cindy and the kids out of bed. I had to really shout at them, which didn't help matters much. Cindy and Natalie were especially unpleasant. I grabbed my cell phone and got everyone outside around the back of the house.

"A bomb? You think there is a bomb on our front porch?" Cindy said disbelievingly.

I called the Southport Police Department. I told the switchboard who I was and asked for the Chief. After thirty seconds or so, he came on the line and I described the box. He told me to get Cindy, the kids and myself away from the house as quickly as possible and he would send some officers over to quarantine the area. He said he had no choice but to call a bomb squad. The closest one was in Olympia. My house would be off limits for a minimum of a couple of hours.

All of us were looking very ruffled as we hurried into the garage and into my car. As the garage door opened, a police car pulled up and two officers began rolling yellow tape around the perimeter of the yard, all the way around the house. I drove the car out to the street and parked about a half block away. I then trotted back and pointed out the location of the box to the officers.

The officers had no further need for me so I jumped back in the car. Several of our neighbors had come out of their homes to see the cause of the commotion. I noticed another officer knocking on the doors of the homes around our house. There was nothing more I could do so I called Mark, told him what had happened and asked if we could come over. Cindy was very quiet and looking very upset. When we got to Mark's house, he ran out to greet us and ushered us inside for breakfast. The kids were completely unaffected, but they did want to know what was in the box.

Mark started making breakfast and coffee. The kids were still in their pajamas so it was like vacation to them. Mark had the morning newspapers lying on the table. I picked one up and the headline stated: "A Perfect Storm – The State's Budget." The story that followed was written by my favorite reporter and was, as usual, more opinion and conjecture than fact. The middle part of the article stated:

The State finds itself in the absolutely unbelievable position of not having a budget as the fiscal year comes to an end on June 30. Many State agencies are all set to close down. The Washington State Patrol and Department of Corrections will apparently continue to run based on the Governor's emergency authority. It is not clear whether the ferries will continue to operate or the highways will have maintenance.

The dislocations caused by this situation will be enormous. Jobs will be lost – perhaps forever. Wall Street will likely de-rate the State's bonds. They will probably trade at junk bond levels. Planned bond issues will be yanked and projects won't get done. Due to our State's wet climate, much of our construction is limited to the summer and fall. This year's construction season will probably be lost.

Everything is coming together for the perfect storm. There is no indication that it will be avoided. The major parties appear to be entrenched with no signs of bending. There is no question that the Republicans would like to see the Governor and his party face this doom's day scenario. The Republicans are willing to risk all to see that happen. The Republican spin-doctors are no doubt trying to figure out ways to deflect the onslaught of criticism.

While it is easy to understand the Republicans' hunger to see the Governor fail, it is a bit harder to understand the Democrats' motivation in holding so firm to their budget. As the party controlling the executive branch, they have the most to lose if the State starts to shut down. Just think of the news conferences that the Governor will have to hold once the process begins. My bet is they have an ace in the hole and they are saving it for the last minute. It probably will not involve that detestable Senator from Southport. He is too busy fending off legal malpractice actions to be of much help and besides, it is not in his nature to make deals.

We heard sirens from a ways away and I figured that was the bomb squad was coming to my home. My neighbors were going to be livid. I was going to have to make it up to them somehow.

Then we heard the helicopters flying by. I looked out the window and saw three of them hovering above my neighborhood. I put my hands over my eyes and just sighed. Cindy had entered the psychological stage where I think she just accepted all that was happening.

“John,” she said. “When is all of this going to stop? I have lost my privacy, my peace of mind and now the safety our home. This is just out of control. You owe me big time, big fella.”

“Sweetie, I am working to get this situation under control; there is a good chance that the deadlock will be over in a day or two.”

I then reminded her about our vacation plans.

“Cheri and I will join you!” Mark exclaimed cheerfully.

“Mark,” I said, “your longest date has been for dinner and a movie you big lunk. She isn’t going to agree to a vacation and we did not plan on having traveling companions.”

Marked looked hurt, but he would get over it.

Mark turned on the television and scanned the regional news stations. One station showed our house from a telescopic overhead view showing an armor plated, dark green vehicle pulling up in the front yard, right over Cindy’s petunias. Two men got out with heavily padded body armor from head to toe. We watched them go on to our porch and then they returned to the their vehicle. They returned once more with a mechanical arm which they maneuvered into place. They stood with the apparatus protruding into the area of our front porch. We couldn’t see what was happening under the porch roof, but it seemed like forever. They were attaching cables to the apparatus and then one of the men went back to the vehicle with the other end of the cables. The scene was very tense and everyone was quiet, even the kids, as we watched. Then, one of the squad members waived an all-clear signal. The next thing we saw was the arm holding the box in a grip and it was walked over to what looked like a trailer with a large cylinder sitting on it. The box was put inside the cylinder and then everyone started taking off their suits. The event appeared to be over.

We finished eating breakfast with the kids tearing around the house. Natalie and Melissa had challenged Hank and Oscar to a basketball game, using a foam ball, in Mark’s living room. Natalie and Melissa decided that a tall lamp on the far side of the room would be their basket and that a large bowl on the mantel would be the boys’ basket. They ran around passing the ball to one another and shouting whenever one made a basket. The game devolved into a very large argument when Melissa gave Hank a forearm shiver and then Mark intervened.

By that time, we figured it was safe to head back to the house.

It turned out that the box left on our porch contained a bunch rocks. A lot of very expensive personnel and equipment went into the effort of dealing with the box and it probably took a few years off of Cindy's and my life.

The rest of the morning went a lot better. The police let us back in the house, all of us got ready for school and work, and we were out of the house by 11:00 am. I had a little talk with the police chief before I left and he suggested that I speak with the State Patrol about obtaining a security detail. The State Patrol provided security to the Governor and certain other higher ups. I doubted those services for a low life like me would be in the budget, but I would check it out.

Cindy had recovered from this morning's debacle. Down deep, she was pretty tough. She seemed to accept what happened as a crank situation. I was probably going to hear about this for a few years, however.

On the way in to Olympia, I made some calls and got the names of some security services. I called a security service in Aberdeen and worked out a schedule for some patrols several times during the evening and early morning hours for my home and office. They gave me a good deal because they were providing patrol services to other businesses in town and the owner of the security company liked what I was doing in Olympia. I then called Cindy on her cell phone and let her know.

I got into Olympia just before noon. There were more, many more demonstrators out in front of the Legislative Building. News trucks, hovering helicopters, news reporters and cameramen were everywhere. The helicopters probably came right over to Olympia from my house. The demonstrators were loud and boisterous and they were protesting the impending shutdown of the State government.

I drove into the garage and rushed up to my office. I needed to get started on drafting the preamble to the budget bill. The preamble is actually the section of a bill that contains the legislative findings and statement of intent. This section is usually the first section of a bill. I went through a couple of drafts and settled on the following:

The economy of the State of Washington is in serious decline. The State has lost thousands of jobs in agriculture, technology and manufacturing; some to foreign countries and others to States with lower taxes. The Legislature desires to stem the outflow of jobs. The Legislature recognizes that the State of Washington faces serious problems in keeping existing businesses from leaving the State and encouraging the formation and relocation of new businesses in the State. The Legislature also recognizes the harsh realities of this new era; namely that the State government, just like business, must adapt by reducing the costs of operation.

The Legislature also recognizes the fact that governments do not create new jobs through taxation and expenditures on non-essential functions. Such redirection of funds merely results in different kinds of projects being funded and represents a less efficient and inequitable use of taxpayer moneys.

Based on the foregoing principles, the Legislature has determined that it is not feasible to raise tax rates nor is it feasible to create new taxes or levy new fees. It has determined that appropriations must decline, in real terms, to match the State's reduced revenues generated by existing taxes and fees. The appropriations and expenditures set forth below have been calculated based on these principles.

I printed off the draft and walked out the door to the office of Senator Belson. When I got there, he wasn't in, but I spoke to his aide. He said he was expecting the draft and I left it with him. He also asked if I would be available for a meeting with Democratic leaders of the Senate at 3:00pm. I told him I would be there. I then walked downtown to get a sandwich.

I sat by myself at the counter of my usual hangout and was absorbed in the morning's paper. I was in the middle of taking a bite of my sandwich when my favorite reporter came along side and took the next stool.

"Senator Austin," Adam Sandlee stated, "having a nice morning?"

"Just delightful," I countered.

"I am truly sorry that your wife and children had to go through this morning's ordeal."

"I guess you don't care about my feelings," I stated.

He laughed and excused himself for not including me in his statement.

"Is there going to be a last minute budget bill?"

I looked at him a minute before responding. I was trying to decide whether to be rude or polite. I guess I was turning into a real politician when I decided to be polite.

"There are probably several deals in the works," I replied in an even tone. "Why don't you check in with the major parties?"

"Senator, I have a hunch that you might know more than you are letting on. If you let me in on the story, I promise that you will not be identified."

"Sorry, I am just an outcast from podunkville trying to figure out how the world goes around."

"Senator, are you concerned about how you are pictured in the press?" he asked.

"Mr. Sandlee, as a matter of fact I am. I figure the more bad things you write about me, the more the public will like me. I think the public is fed up with you and your cohorts trying to force your opinions down their throats. So write what you want – the worse the better."

Mr. Sandlee was starting to turn a little pink. I had totally dissed him and there was no doubt that he would like to have said something equally awful in return. However, he probably really wanted to know what was going on with the budget. He had undoubtedly been pestering other legislators and they weren't letting him in on anything either. The Republicans were probably working on their own deals and the Democrats weren't about to disclose their dealings.

The final day of the session was going to be high noon at the OK Corral. Mr. Sandlee and all of the other reporters knew some sort of showdown was coming and they would give anything for a lead so they could break the story. The problem was that any break in the story before the final vote would allow time for damage repair by the party left out of the deal and, therefore, jeopardize the winning strategy. For that reason, everyone with a plan would do everything possible to protect its secrecy.

Just then, out of the corner of my eye, I saw Tom Bush approaching. Adam Sandlee was looking at me and there was no way that I could waive off Tom. Before Tom could say anything, I beckoned Tom over and exclaimed, "Tom, come over here, have you met Adam Sandlee, the renown reporter from Seattle?"

Without breaking stride, Tom ambled on over.

"Good day Mr. Sandlee," Tom said.

"Good afternoon," he responded and they shook hands.

"Tom," I said, "Mr. Sandlee is trying to find out if there is going to be a last minute budget bill. Do you know of anything?"

"Nope. I am just part of the rank and file. The leadership doesn't let me in on things like that. I've only got a few minutes to grab a sandwich. Nice to meet you Mr. Sandlee."

Tom walked over to the counter and ordered his food.

Adam Sandlee looked at me and said, "Senator, things might go easier for you if you cooperated with me."

"Is that a threat Mr. Sandlee?"

"It could be anything that you want it to be, Senator."

"Good day, Mr. Sandlee. Please let me eat in peace."

Adam Sandlee then got up and walked out of the café

When I got back to my office, I gave Tom a call. He picked up on the first ring and I could hear him eating his lunch.

"Tom, that was a close call. I was trying to make it look like I was calling to you out of the blue," I said.

"Yeah, I could tell. You are a pretty good actor."

"He was pretty desperate for a story," I said. "He actually threatened me. He knows something is up. If he had seen us conversing, he would have done more digging. Maybe that is what he is doing right now."

"I wouldn't doubt it," he replied.

"Want the latest?" I asked.

"Yeah. Go ahead."

"I am meeting with the Democrats at three o'clock," I stated. "I think they are going to lay out the bill for me. If I go for it, it will probably be introduced tomorrow on the Senate floor. Can I call you later today and tell you what I think of it?"

"Yeah," he responded, "that would be good."

I then read my draft preamble to him. He chuckled and asked whether I really thought I could get the language in the bill.

"Maybe not all of it, but most," I replied. "They will have fits over the middle paragraph."

"I like it," he stated. "It used to be the case that Republicans stood for that kind of language, but that is not the case now."

We hung up and I tried to catch up with my correspondence. The negative letters were getting more intense and, as usual, I put the nastier ones aside. Maybe the person who left the box on my front porch this morning might have written one of those letters.

At about two o'clock, I received a visit from a representative from the Washington State Patrol. He stated that the package found this morning on my doorstep had been turned over to the FBI. He asked if I had received any threatening

correspondence and showed him about a two-inch thick file of letters and emails that I had printed off. He ended up taking the file.

He asked me if I felt I needed any security and I responded that I that I would like to see what was available. He stated he would look into it and I told him about the security service that I had engaged to check my home and office. He left his card with me and urged me to call if I ever needed anything.

Just before three o'clock, I started walking down to Senator Belson's office. I was invited in to his conference room and the usual group was there.

Senator Belson asked everyone to sit down. There was some real tension in his voice. He first asked if I had made contact with Representative Bush. I told him that I had and the only thing I could say was that Tom had not blown me off. That appeared to satisfy them. An aide then distributed copies of a draft budget. I asked for a cup of coffee because I knew it was going to take a couple of long and tedious hours to go through it.

The presentation was lead by one of the Governor's advisors and it in fact took about two hours. On the face of it, it appeared to be a good faith attempt to satisfy my objectives.

At the conclusion of the presentation, Senator Belson asked, "What's your reading of all of this?"

"I am mulling it over," I said. "What is the status of my proposed language for the preamble?"

"We have some issues with it."

"Senator, that language is an integral part of the deal."

He sighed and said, "Why did you have to turn out to be a lawyer. I was hoping we could get this done quickly, but I don't think that is going to happen. He suggested that we take a break and I agreed. I pulled out my cell phone and called home.

"Hellooo," said my daughter in a tone that indicated that the caller was interrupting something very important.

"Sweetie, can I talk to mom."

"Dad, I am on the phone, can't you call back later?"

I wasn't sure about this call-waiting thing. She probably had several calls stacked up and was bouncing between callers. I hoped that no boys were in the queue, the first reason being that she was too young to be talking to boys on the telephone and secondly, they didn't really deserve such shoddy treatment at such a young age. It would help prepare them for later life, however.

"No, I can't. Would you please give her the telephone now?"

"What do you want?" she stated.

I started rubbing my left temple. It was starting to throb.

"Natalie, if you do not give her the telephone right now, you are going to be grounded."

"Oh, alright. Here she is. Please be quick, I've got people waiting on the other line. Daddy, I need my own phone. Will you please get me one?"

"Yeah. I will pick up three on my way home. What colors would you like?"

Cindy then came on and I asked her how she was doing. In a tone that sounded very similar to Natalie's, she stated she was fine. When I told her I would be late again, she suggested that I get an apartment in Olympia.

When I rejoined the meeting, an aid was ordering up some sandwiches and soft drinks. It looked like it was going to be a long evening.

It was indeed a long evening. We started off with the budget. While it looked like a pretty good effort, this was an opportunity that may never come along again and I decided to make the most of it. I demanded the deletion of a couple of porkly looking public work projects in Eastern Washington. We went carefully through the employment levels of the various agencies and there was a little more give and take.

Once we got to the language of the preamble, the gloves really came off. They didn't like any of it, but they really lost all sense of decorum over the middle paragraph, which, in a nutshell said that taxpayer dollars were put to better use by the taxpayers.

"Don't you believe in public investment?" an aid asked incredulously.

"Define the word 'investment' for me," I responded.

"Spending funds in projects which yield an important public and private benefit," he proudly responded.

"That is not investment," I stated. "You just described pork."

I got up and grabbed a dictionary from a nearby bookshelf and read the definition of the word "investment" aloud.

"Investment means the outlay of money for income or profit," I stated. "Never confuse what you are doing with the word investment. Investing is done by people with real money who are trying to make their money earn more money. They risk financial loss if the investment doesn't work out. You and your bureaucratic buddies play with confiscated money and have nothing at stake in what you do. If the project fails, you just throw more money at it or go on to the next one."

That statement must have caused some pretty hurt feelings because it triggered about a half hour of vigorous denial. Fortunately, we got past it and we got back to the subject.

After some pretty heated debate, we eventually reached a compromise. Neither side was particularly happy. The public works projects that I didn't like were out and the preamble was partially reworded. The first and last paragraphs made it intact, but the middle paragraph was toned down to say that public investments needed to be carefully scrutinized and weighed against the benefits provided by private investments. About eighty five percent of what I drafted was retained. It was well past 10:00 pm when we reached a final handshake.

One of the aides had the document on a laptop computer. All of the changes were put in using a computer program that tracked and highlighted the additions and deletions. I stayed with the aid until after midnight making the final edits. When it was all done, he put the finished product on a diskette, shut down his computer and we shook hands and walked out. Tomorrow morning, the draft bill would be circulating in both the House and Senate.

By the time I got to my car, it was 1:00 am. I considered staying in a hotel for the evening, but that was not a habit that I wanted to start and I did not want Cindy to think that I was taking her up on her suggestion. I also wanted to be home in case something else crazy happened in the morning.

When I woke up the next morning, I listened carefully for any out of place sounds before getting out of bed. Hearing nothing, I put on my sweats and went downstairs. I didn't see anybody out on the lawn and only noticed an early morning walker out on the sidewalk. I waived through the window as the walker walked by, but she did not waive back.

I opened the door and peered around the porch. Nothing. I walked around the house twice looking for anything unusual. All looked well so I grabbed the papers off of the driveway and went inside.

The papers were ratcheting up the prospects of a shut down. There was only two days left in the session and the papers were making it clear that if a budget did not get passed by tomorrow, the shutdown of the State government was sure to occur.

I turned back to the local section of Seattle's largest paper. Adam Sandlee had his usual news and analysis column. I read the column and came to the conclusion that he had abandoned all sense of objectivity. The main part of it stated:

The shutdown of the States' most essential functions is now eminent and likely. Although there are rumors of backroom deals, no one has admitted as much. It appears outwardly that our elected officials have no sense of urgency about the situation. Perhaps they are working away behind the scenes as busy as bees. If so, they are being very cagey about it.

The situation appears to be playing directly into the hands of the lone wolf Senator from Southport. He would like nothing more than to see our government shut down. I had the opportunity of speaking with him earlier this week and he was jovial. He is just a different version of the anarchists that protested WTO meetings several years ago in Seattle. Their ultimate goal is to see a collapse of modern society. Austin has the same goal and it is just appalling that the other parties either don't see or don't want to do anything about it.

Given the intractability of our elected representatives, this would be a good time for a citizens' revolt. Everyone should contact their State Representative and Senator and demand an end to this deadlock.

I began making some breakfast. Natalie came in a few seconds later and murmured a sleepy hello. It was a positive sign that I was recognized. After she got some cereal and a piece of apple in her, she started to awaken. For the first time in weeks, we actually had a bit of a chat. I got to hear about a couple of boys who were interested in her. None of them had showed up at the house yet, as far as I knew. I frankly couldn't wait for the day that I got to grill one of them before they took her out on a date. I had always thought that day would come when she was about seventeen, but I could see that I would need to adjust that figure downward.

I got out of the house on time and stopped by the office for a while. Jennifer and I were narrowing down the field on possible associate attorneys. On the drive in to Olympia, I had a very tense telephone call with a client. He wanted to meet with me to

discuss a customer complaint. The customer was threatening to sue him and he wanted some help right now. There was just no way I was going to have any time during the next two days and I offered to give him the names of some good lawyers in the area. He said he would try to put the customer off for a few more days until I could deal with the issue, but it wouldn't surprise me if he ended up calling one of those other lawyers.

When I drove into the legislative campus, I could see the familiar sight of the protestors gathered on and below the front steps of the Legislative Building. The numbers seemed to be increasing and they were also louder. After pulling into the garage, I parked my car and headed up to my office. I received a memo stating that the Senate would be considering two draft budget bills this morning, one presented by the Democrats and one by the Republicans. Copies of the draft bills were included with the agenda.

After reviewing the draft budget bills and checking my mail, I went down to the Senate floor and sat down in my usual seat. The Democratic bill came through in the form that we had worked out last night. The Republican bill looked very much like previous versions. I had no interest in the Republican bill and did not waste much time with it.

A motion was then made to put the Democratic bill up for discussion and vote. The galleries were full and quiet. There was tension in the air. The chamber became very quiet as several of the Democratic Senators in succession got up to review the bill. All was not happy, however. After the presenters spoke, several Democrats got up to speak and bitterly complained about the bill. They accused their party of abandoning the needs of the indigent and succumbing to the special interests. Several of the Senators were especially unhappy about the language in the preamble.

A senior Republican Senator then got up to speak and stated a totally incomprehensible position. His basic premise was that the budget failed to invest sufficiently in the State's education and infrastructure and that the State would be left behind the other States if it was passed. He also stated that the cost of government was too high and the bill failed to make necessary cuts in the right places.

After a few more speakers, I signaled the President that I wished to speak. When it was my turn, the chamber became very quiet.

Mr. President and my fellow Senators, I applaud the Democrats. This bill isn't perfect. If I had my way, it would have more substantial cuts. However, in my view, this is a good first start. If this bill is passed, the State's revenues over the next biennium will decline by approximately two percent from the previous biennium. Expenditures will fall in line with revenues. This will be the first time in years that our States' budget will actually shrink from one biennium to the next. This is just not a reduction in the rate of growth of the budget – it is in fact a decline in real dollars.

I saw an advertisement in a national financial newspaper the other day. The State of Idaho took out the ad and it compared the various levels of taxes that a business with 200 employees would pay in the States of Oregon, Washington and Idaho. Washington and Oregon were several multiples above Idaho. The figures made my stomach turn. The ad invited businesses to relocate in Idaho and it listed

many other benefits, including substantially lower housing costs. Ladies and gentlemen, our business people are reading those ads. The State of Idaho has a lot of amenities: Great fishing, skiing, hiking, good schools, decent roads, clean air, clean water and no traffic. When are we going to realize that we are at risk to losing businesses, families and jobs to states like Idaho with lower taxes and a great quality of life? We think that businesses and families are tied to this area because of the proximity to the ocean, forests and mountains, but folks, we had better stop gouging them for that benefit.

This world is changing daily. It seems like every day I read a news article about how our high tech companies are moving jobs from Seattle to Calcutta. We have heard these stories for years about manufacturing, but now we are reading them about software developers. There is only one driving factor – costs. Companies are under intense pressure to generate profits. If they do not earn a reasonable rate of return, they can't attract capital. If they can't attract capital, then they can't innovate and improve their products and services or create new ones. It is succeed or die out there and we had better start realizing it real quick.

The State needs to reduce its cost of doing business so it can pass those cost savings on to the people who live and work here and the companies that do business here. Having high taxes on one hand and targeted tax breaks to certain sectors only goes so far and it is grossly unfair. The only honest way to pass on savings is to do it across the board. Washington must become a less expensive place to work and live. This budget is the first step in recognizing that reality.

I urge serious consideration of this bill. Thank you Mr. President.

I did not say that I would vote for the bill. I did not want to automatically trigger some Republicans to use measures to delay the vote. On the other hand, I felt it was important to issue a positive signal to the Democrats who were not part of the inner circle.

After I sat down, a few more speakers took the floor and debated the bill. The Republicans must not have been feeling any risk because they did not attempt to delay the vote. Anyone who was listening should have been able to figure out that I might vote for the bill. Perhaps the Republicans felt that they had control over the vote. That could only mean that they felt at least one Democrat would jump ship and vote with them. .

Voting took place about five o'clock and the bill passed 25 to 24, with all Republicans against and all Democrats and me voting for. The Democratic Senators were ecstatic and several jubilant Democrats shook my hand. The Republicans looked pretty grim. They either missed all of the signals or, more likely, a Democrat who they thought would fall in line with them, voted with his or her party. The compromise was there for all to see.

Failure of the Republican bill was a foregone conclusion and it was withdrawn. The session adjourned. The pressure was now on the House.

I walked back to my office and gave Tom Bush a call. He picked after about two rings.

“How’s it going Tom.”

“Not bad. Congrats on getting the Dems’ bill through the Senate.”

“I don’t know if congratulations are warranted,” I said. “I feel like I am on one of those reality shows on television. I am just playing out a small role. I haven’t won anything.”

“I don’t know,” Tom said. “The way my senior guys talk about you, you would think that you are the sole reason for their problems.”

“Tom, your party is on a totally incomprehensible track. I cannot begin to understand what is driving them.”

Tom didn’t respond.

“So, I hear that the House will vote tomorrow on the Democrat’s bill,” I said. “The Republicans probably won’t even bother trotting out their bill.”

“Yeah, probably,” Tom said.

“Have you reached any conclusion as to how you will vote?” I asked.

“I am still thinking about it. I probably won’t make up my mind until the last moment. It is kind of like jumping off the edge of a building. You probably don’t really make the decision until you actually take the first step.”

“It is probably the best thing to play this close to the vest,” I said. “If anyone thought that you were even considering making this move, your Republican colleagues would be all over you. Is anyone trying to feel you out yet?”

“I don’t think so,” he said. “As far as I know, they think I am a loyal subject. I have been pretty quiet and non-descript during the session. There are a couple of guys that probably do have them worried though. There have been some pretty good arguments in the House Republican caucus room. There are a bunch of representatives who think the party is off track.”

“Do you think I should go talk to any of them?” I asked.

Tom paused for a moment and stated, “That would be your call. Why are you so gung ho about the Dems’ bill anyway? What do you care if the State shuts down?”

“My primary motivation right now is that I have not had sex with my wife in several weeks and if this session does not get concluded, the dry spell is likely to continue. Secondly, my aspirations for affecting the outcome of legislation is pretty modest. I wish we were having close votes on bills to legalize gambling and disbanding the Department of Labor and Industries, but that just isn’t in the cards. I am satisfied by forcing spending cuts in real dollar terms. Little steps for little feet.”

“You know, you actually sound pretty rational at times,” he said and then added, “I don’t know what is going to happen in the next twenty four hours. We might see some defections from the Republicans. I might defect. It probably depends on what my wife and soothsayer have to say. We might stay in deadlock, in which case, both parties will take a shellacking and you, you lucky prick, will probably get off easy because you voted with the Dems today and the bill passed. You just lost your anarchist, bomb throwing image.”

“Ha!” I exclaimed. “So should I just lay low for the rest of the day?”

“Yeah,” he said. “There is probably nothing you can do at this point. My leadership will be swarming all evening anyway trying to keep the boat afloat for one more day. All they need to do is keep its group together for twenty four hours and the House will stay in a 49 to 49 deadlock.”

“Well, I am headed for home,” I replied. “It looks to me like the cards are all in place and there is nothing left for me to do.”

Tom agreed and we hung up. I left him with my home number in case he needed some moral support after the inevitable badgering he was likely to get for the rest of the evening.

On the way home, I called Mark and brought him up to date on the proceedings for the last few days. He called me some unmentionable names for voting with the Democrats and he was skeptical that the Democratic bill would actually get passed into law.

I actually got home early and played some baseball with the kids after dinner. It felt great to actually be home and have some spare time. The kids were now out of school and baseball was the dominant discussion of the moment. While I did have some work to do, I put it off so Cindy and I could take a walk around the neighborhood and I could tell her about the proceedings for the last few days.

I used to be on very pleasant and amiable terms with everyone on the block, but as we walked along and came across a few neighbors, their greetings were a little stiff. They were probably still pretty torqued about having protestors and bomb squads take over the block for a few mornings. When the session was over, we agreed to buy everyone on the block a bottle of wine and write a note apologizing for the inconveniences they suffered.

By nine o'clock, the kids were watching a movie, Cindy was reading a book and I was reading a newspaper. The phone rang and it was Tom Bush.

“Hi Tom. What’s going on?”

“You would not believe what is happening,” he said. “They fed us dinner tonight in the Republican Caucus Room. They wouldn’t let us out except to go to the bathroom. The prayers alone took forty-five minutes. The reporters have been roaming the halls all night waiting for people to come out. The news cameras have been parked outside of the building all night.”

“What is the morale of your comrades?” I inquired.

“No one is happy. If this doesn’t come out well, there is going to be a big change in leadership. The leadership is promising that they will solve this crisis within the first few days of the next special session and that we will all be heroes. Their story doesn’t seem very convincing to me, though.”

“Has anyone stood up to them?”

“I have laid low, but there are a few rabble rousers. The leadership let the rabble rousers speak and then they brought in the big guns. John Jamison, former Governor and now a national party hotshot came in and played General Patton. He basically said that this strategy has been worked out at the highest levels, that we must all hold together for it to work, and that the consequences to anyone who breaks will be enormous. They guaranteed that they will endorse and fund Republican challengers within the district of any representative who breaks. In short, they promise a swift end to that person’s

political career, regardless of which party they end up with. It was a pretty impressive show of force.”

“So how are you feeling?” I asked.

“I am riled. I haven’t been talked to like this since I came home from my best friend’s bachelor party a few years ago.”

“What did you guys do?”

“Went to a topless bar.”

“How was it?”

“Not bad.”

“Have you been to any since?”

“Hell no! My wife would cut my nuts off,” he said.

“Yeah, mine too. I had to promise her I’d never go to another bachelor party that involved undressed women. But I sure like hearing about them.”

“Yeah.”

“Does anyone have any idea that we have been talking?” I asked.

“Hell no,” he said. “They would have me locked up in a hotel room somewhere if they did.”

“Have you figured out what you are going to do?” I asked.

“Like I said, it will be like taking that first step off the ledge. I won’t know until I actually do it. I am not promising anything.”

“Well,” I said, “that is probably good. Are you going to speak tomorrow?”

“No, I don’t think so. If I do and if I were to decide to vote for the Dems’ bill, it would obviously tip my hat and the Republicans would do all they could to forestall a vote, including filibuster. All they need to do is delay the vote to midnight.”

“Anything I can do for you?” I asked.

“No. I just needed to take a break from the pressure. Sorry to interrupt your evening.”

“No problem,” I said. “Good luck.”

About a half hour later, the phone rang again.

“Hello.”

“Senator Austin.”

“Yes.”

“This is Robert Dehampton, Republican Representative from the 3rd District. Can I take a minute of your time?”

“Go right ahead. Although, perhaps we should set some ground rules. Is this call in confidence?” I asked.

“Yeah, I would appreciate some confidentiality here,” he responded. “My party is going over the top with paranoia. They are so afraid that someone is going to jump ship that they will not leave me alone. My telephone has been ringing all night. Every single call ends with a threat and I am getting sick and tired of it. I also think my party is taking a big risk and is putting me in jeopardy. You should be congratulated for compromising your ideals to get this bill as far as it has gone.”

“I have not compromised my ideals,” I stated. “I have recognized that there are limits to position as the swing vote. I have tried to carry my leverage as far as I could to influence the bill.”

“Whatever,” he responded.

I did not like what I heard so far from this fellow. I did not sense any independence. He was clearly just trying to protect his own hide, which was understandable. I figured it wouldn't hurt to keep listening.

"What is it that you would like to talk about," I asked.

"The vote set for tomorrow on the Democrats budget bill," he said. "I am considering voting for it. Do you think I should?"

"It is entirely up to you," I stated.

"Well, since you voted for the bill in the Senate, wouldn't you prefer to see it pass in the House?"

"I would," I said.

"So why did a libertarian vote for a bill that still funds agencies and programs that are so anti-libertarian?"

"Like I said, there are limits to my power. I have no illusions that I can cause a massive downsizing of government in my first session and while I am a party of one. This is a small step, a correction in course. Hopefully, it may lead to more."

"Why the soft sell?" he asked. "You know, I am taking a gigantic risk in just talking to you. You could be a little more appreciative of my position and it doesn't take a brain surgeon to figure out that my vote may mean something."

"I know no such thing," I stated. "I do not know you and as far as I know, your call could be a ploy."

"Well, its not," he snorted. "You know, I have heard that you were pretty prickly. Now I know first hand."

"What do you do for a living," I asked.

"When the House is not in session, I sell life insurance and annuities," he said.

"So why are you calling?" I asked.

"I wanted to see what you had to offer."

"I don't have anything to offer," I said. "The bill speaks for itself. You'll have to make up your own mind what to do."

"So how do you think the vote is going to go?" he asked.

"I have no idea," I responded. "You'd be better off asking the Democrats."

"Wow, you are really something," he stated.

"Representative Dehampton," I stated in more formal tone, "Let me guess. You don't like what your party is doing, but you really don't know whether you should go AWOL. You are looking for someone to help you make that decision."

"Am I close?" I asked.

"I can make my own decisions" he replied defensively.

The picture was becoming clearer. This guy is a salesman and he is looking for his next play. He is trying to feel out the competition to see if he should join them. He doesn't have a philosophical position – he just wants to be on the winning side. My mind started to go into overdrive figuring this guy out. He probably drives a large expensive German sedan, his kids go to private school, he has big house in the suburbs that is mortgaged to the hilt and his credit cards are maxed out. He has to keep feeding the cash flow hog. He is probably making fifty cold calls a day trying to get just one gullible person to bite on one of his products. He won't have the guts to bolt from his party – a life insurance salesman can't take controversial positions. He has to be the picture of

conservatism. He is probably dabbling with the idea of bolting from his party because it sounds sexy and exciting, but he will never do it.

“Mr. Dehampton, it is getting late and I am not going to be able to help you make your decision,” I stated. “You will have to do that all by yourself.”

“Just answer me one thing,” he said. “Why aren’t you offering up bills that legalize prostitution and gambling and stuff like that?”

“Because I am busy and I want to make effective use of my time. Would you vote to decriminalize those things?” I asked.

“Well, no,” he stated. “I have kids. I don’t want them to get into that stuff.”

“Then you must be feeling pretty insecure about how you have raised your children.”

“Austin, you are one rude son of a bitch! Who appointed you as our savior? I am simply trying to find out why a libertarian is voting for a Democratic budget bill!”

I felt like this guy was hardly worth the effort, but I might as well try to clarify my position.

“The task at hand is to develop a budget for the next biennium that will cut costs. I have been given a golden opportunity to be influential in this process and I am using my judgment not to squander that opportunity. The voters are insisting on cost reductions. Once the ball starts rolling, they will want more. Government will be forced to constrict. The process will be slow, painful, hard fought and gradual. The process will probably not be ideologically driven; most people don’t have an ideology. The process will be cost driven. Income and taxes and the amount left in your back pocket at the end of a day of work will ultimately control above all else. This all may take twenty years or a hundred. We will see. This is just the first small step.”

“Thanks for the civics lesson,” he said huffily. “Just who is going to take care of the neediest elements of our society if your forecast is true?”

“Use your imagination,” I said. “I am not being flippant. I truly mean it – what would people do if the government did not subsidize medical care, housing and food for the needy?”

“You’re nuts if you think those things will happen on their own.”

“Am I?” I stated. “My advice to you is to again, use your imagination and don’t make the automatic assumption that poor won’t be helped unless government steps in. It happens every day even while we are losing forty percent of our income to federal, state and local governments. I have had a long couple of days and I am tired. I am not here to try and win you over. If you want to vote for the Democratic budget bill, fine. If not, fine. You do what you think is best.”

The phone then went “click.”

There wasn't anything that I could do in Olympia on that Friday morning, but I decided to drive up anyway. I couldn't be seen with Tom because that would set off alarms and immediately subject him to interrogation. It was certainly best that he maintain a low profile. The protestors were out en masse. It was impossible to tell if there was any consistent position among them. Some were unhappy about the impending shutdown. Some were protesting the Democrats for selling out their beliefs. Some were protesting the Republicans for being intransigent. News crews and cameras were all over the place.

The House of Representatives was called to order at 10:00 am that morning and I was sitting in the galleries to watch. The pressure was very apparent. The floor of the House was very quiet. When the session was called to order, a motion was immediately made to put the Democrats' bill up for discussion. Speeches both for and against followed along party lines. None of the Republican speakers indicated any intent to vote for the bill. Any Republican that was actually intending to vote for the bill with the hope of actually seeing it pass would have to do so without tipping off anyone. Since this was the last day of the session, it would be easy for the Republicans to pull off a filibuster for the rest of the day and cause the entire session to come up short. The only reason they wouldn't do that anyway was they were probably confident that their troops would hold together.

Tom did not speak.

I started getting a little uncomfortable when Representative Dehampton asked to speak, although I still doubted whether he would oppose his party on this. I did not detect an independent streak in him when we spoke last night. After a few more speakers, he was called upon by the Speaker.

I started getting antsy and I said to myself, "this bill is damn near signed, sealed and delivered. Don't let this guy foul it up."

"Fellow Representatives," he began. "This bill is simply too austere. It cuts back the safety net to near 1930 levels. Government is about compassion. Yes, it must be efficient, but who else will take care of the poor? Further, this budget makes drastic cuts in need public investments. Transportation and education are cut along with everything else. This bill fails to recognize all of the good that government can do. Sure it costs money, but everything costs money. You can't get something for nothing in this world and the same is true for government. We have to fund it with sufficient levels of income so that it may continue with its good work. We need to fund education and health care. Our seniors need help. Employees need retraining. Moms need childcare. And we all know (as he paused for emphasis) that this is all about the kids. I urge you to vote no against this bill. Reject the anti-senior, anti-health care, anti-mom and anti-child elements of this bill. Please vote against it."

After he sat down, a senior Republican Representative moved for a recess. The motion passed and the House adjourned for a thirty-minute recess. The Republicans probably wanted to take a last minute inventory of their troops.

I sat there shaking my head. Representative Dehampton never had any intention of voting for the bill. He called me last night to see if I had any information. He was on a fishing expedition.

While I had no assurance of which way Tom Bush was going to vote, I felt there was a better than even chance that he was going to vote yes. The fact that he had kept quiet about the bill was most telling. The biggest risk was if there was another Republican like Tom Bush who would voice their skepticism on the floor and thereby throw the Republicans into a panic. The Republicans would not use delay tactics except as a last resort. They would take a shellacking if they did something to stop the vote from occurring thereby causing the session to end without a budget in place. But that would probably be better than losing the vote.

As I looked down at the floor from the gallery, I couldn't see where Tom had gone. There were several Representatives gathered around Robert Dehampton, however. I could see him smiling which was a good sign.

After the recess ended, more Republicans spoke from the floor. The number of speakers then dwindled and a motion was made calling for the vote. The motion was seconded and the voting process then began. It was late in the afternoon, yet the galleries remained full. The clock had seemed to move very slowly and now was slower still. I really wanted to get home tonight and announce a done deal.

Like the Senate, the Representatives voted electronically and simultaneously. Two buttons were contained on each floor desk, a green one for aye and a red one for nay. Lights were displayed on the back of the room showing how each Representative voted. Once the vote was called for, the large board started to light up. The lights showed clear voting patterns with the Republicans voting against and the Democrats for, except for Tom Bush. His light was green. The floor and galleries were dead silent. The vote passed the House by 50 to 48. Tom broke the deadlock.

The Republicans were livid. I looked down at Dehampton and he looked very upset. There was shouting and commotion from the floor. The Democratic side of the aisle was cheering and the members were shaking hands. A motion was made to adjourn the session. A full vote was called for and it passed 50 to 48. There was nothing the Republicans could do. The session had concluded. The vote was final. The Governor need only sign the bill, which he was sure to do, and it would be passed into law.

I walked out of the gallery. The session was finally over. But first, I went down to the floor of the House to see Tom. Non-Representatives were usually not allowed on the floor, but the Senators were being let in. I wound my way through the crowd and saw three Republican Representatives talking animatedly at Tom while he was packing up his briefcase. As I walked up, the three Republicans stepped aside and then dissipated into the crowd.

"Well, how does it feel?" I asked.

He looked pretty weary and said, "I have already been told that I am a dead man. But that's okay. I expected it."

"It's not so bad being on your own," I said. "You get used to it and besides, you've got me as a compatriot. We'll have a blast next year."

He smiled and said he needed to get home. He agreed to call me once he came back to his senses, probably in a week or two.

I hoped he had prepared his wife for his newfound pariah status.

As I walked back to my office to get my things, a Republican Senator walked up to me and said, "Senator Austin, the gloves are coming off. We treaded on you pretty lightly this time around. It is going to be different next year."

I smiled, looked at him and nodded. I have heard such words all too many times before. They were just words.

“I appreciate the warning,” I replied. “Thanks for telling me.”

“Senator, I am not kidding,” he said. “You may think you are hot stuff now, but you have made a lot of enemies. And don’t think that the Democrats are going to be your friends. They just used you. They are going to toss you out like used bathwater.”

“Senator,” I said, “if you have some information you would like to tell me, please do.”

“See you next session Senator,” he said and walked off.

I was planning on seeing some pretty hostile reactions from the Republicans. After all, they just got the surprise of their life by having one of their own vote against them without any warning whatsoever. They were going to look like intransigents for trying to defeat the Democrats bill and cause another session. They were also going to look like big spenders by trying to push more spending on to the State while revenues were declining. And worst of all, they were going to look like losers. They would be taking their vengeance out on whomever they could.

I wouldn’t get the worst of it, however. Tom Bush was going to be excommunicated. The Republicans would certainly roast him for being a spy and turncoat. He would be an outcast during the next session and the Republicans undoubtedly would seek to defeat him in the next election, which was less than eighteen months away.

After I gathered my things, I began walking out of the Legislative Office Building. As I walked through the main lobby, I could see a group of reporters asking Tom Bush questions as he was trying to make his way out the door. I stood to the side for a moment and listened.

“I felt the Republicans were way off base in opposing the bill,” I heard him say.

“Representative Bush, will you be staying in the Republican party?” a reporter asked.

“I don’t know. I doubt whether the party would have me at this point and I am frankly not sure about how I feel at the moment.”

“Was your vote worked out in advance with Senator Austin?” someone asked.

“No, I did not know how I was going to vote until about fifteen minutes prior to the actual vote. I was undecided up to that point.”

“What finally drove you to vote for the bill?”

“My conscience. It was a better bill than what my party had to offer.”

“What will be the repercussions of this vote?”

“I don’t know,” Tom replied. “I am sure that I will find out soon.”

He then slipped out the door and the reporters dwindled away. I walked along side him on our way to the garage and we didn’t say much.

“Have your party leaders said anything to you?” I asked.

“I heard a few statements about shock and disappointment,” he said. “I heard a few more about retribution.”

He smiled and paused. “Thanks for not pressuring me,” he said.

I nodded, we shook hands and then we parted to go to our cars. It would probably take a few weeks, but this experience would strengthen Tom Bush. He was an extraordinarily nice guy with a ton of courage. This experience would change him from a

party regular to a major personality. There was no question in my mind that he did the right thing.

I finally got in my car and headed home. I called Cindy and told her it was over. She actually perked up. I couldn't wait to get my life back, at least for another six months.

The Governor signed the budget bill the next day. The press simply lambasted the Republicans. Their strategy was extremely risky and they got caught with their pants down. My favorite Reporter, Adam Sandlee said as much in his Sunday article:

WHEN YOU SNOOZE, YOU LOSE -
REPUBLICANS CAUGHT NAPPING

Adam Sandlee (Analysis) Olympia, WA. The Washington State Republican Party took a major punch to the jaw earlier this week and suffered a TKO. The party is reeling in pain from the calamity. It is in the intensive care ward. Its outcome is uncertain.

The Republicans adopted a nonsensical strategy from the outset with regard to the State's budget. It came in with higher figures than the Democrats. They obviously misjudged their support and got soundly waxed in the Senate when the State's sole libertarian Senator John Austin from Southport voted with the Democrats. The Republicans' misjudgment was somewhat excusable because the Democrats threw a pretty good fake in the Senate. The Democrats obviously kowtowed to Austin and proposed an ultra-austere budget to satisfy him. The deal was kept under wraps and the Republicans were caught completely off guard that Austin would vote in favor.

Having once been burned, you would think that the Republicans would have had their collective ears a little closer to the ground in the House. The Neanderthals stayed true to form, however, and missed the boat completely. The Republicans should have seen this one coming a mile away. The House of Representatives is evenly divided between Republicans and Democrats. The Republicans thought they could maintain gridlock in the House thereby causing the Democrats' budget bill to fail. The Republicans could then ride in like a knight in shining armor and save the day in special session. No doubt, they probably thought they could gain one vote in the House in the next special session.

But the Republicans never got their chance. They went into the final day of the session thinking that they could hold all of their troops in line but they neglected the human factor. There were no John Austins in the House, but there was a Tom Bush. This courageous Republican had the gumption to say that the emperor had no clothes and voted for the low income, low outgo Democratic budget bill. Mr. Bush gave no sign of equivocating and surprised everyone with his vote. Some say this was a sign of sneakiness and there is no doubt that Tom Bush will never be able to run again as a Republican – he burned the ultimate bridge and defied his party on a do or die vote.

In an exclusive interview with this reporter, Representative Bush stated that his intent in not disclosing his position prior to the vote was to avoid a filibuster. He

said if the Republicans learned that he was about to vote for the bill, they would have done everything possible to forestall the vote. That would have led to a shutdown in the State and another session. He said it was agonizing, but he felt he owed it to his constituents to do the right thing no matter how bad it was for him individually.

Tom Bush is to be congratulated. He is a true patriot and a man of great strength. Like all politicians, however, Bush has his weaknesses and one of them is his apparent friendship with John Austin. It is not clear what role Austin played in this charade, but it has all the earmarks of participation by this unethical and underhanded lawyer. No doubt that Austin is chuckling away at the disaster that has fallen on the Republicans. He's probably got a thing or two waiting for the Democrats next time around. Let's hope that Austin's role in this debacle of a session is exposed for all to see.

Sandlee's columns always seemed to be about me. It is a good thing that I didn't take my political career all that seriously.

My life was finally getting back to normal. The kids were enjoying their summer break and we were well into baseball season. Cindy was in the process of forgiving me for my near six-month absence from being a responsible parent and husband. Natalie was turning into the prettiest and most unpredictable thirteen year old girl/woman that was imaginable. She rebelled at every request to come home on time, to do her homework or to help around the house. She acted atrociously to her brothers. On the other hand, she still liked to be read a story at night and tucked into bed. I was pretty good at handling the instantaneous switches in attitude, but they drove Cindy nuts. The boys were just typical boys and not much fazed them. They were very used to being around Natalie and her friends and were becoming quite calloused.

I started working on my golf game. I was as rusty as when I came back from a two-year layoff while I was in the Army. The jabs that I took on my many three putts and chili-dipped chips were unmerciful. I accepted the teasing, criticism and accusations as part of the price I had to pay. Something about being a middle aged, balding, lawyer, politician, husband and father will do that to you.

Over the next few weeks, I had some lengthy discussions with Tom Bush over the telephone. Like me, he was trying to get his private life back in order after the nearly six months of legislative sessions. While he was certain that he was a marked man for the next year's election, there was nothing that the Republicans could do to him until then, except to deny him any form of cooperation.

I suggested to Tom that he consider declaring himself an independent or libertarian. He was in the process of weighing his options and had not come to any conclusions as to what he wanted to do. He was certainly troubled by remaining a Republican but he just couldn't see himself as a Democrat. I frankly didn't care what his label was. He was smart and conscientious and would make a wonderful compatriot in future sessions. He also had a family to worry about and a mortgage to pay so he couldn't just make his decision in a vacuum.

I agreed to meet with him for lunch after things settled down a bit and told him that I wanted to bring my friend Mark along. Tom agreed and we made tentative plans to meet for lunch in Olympia later this summer.

I was a bit of a puzzle in State libertarian circles and I was asked to come up to Seattle to speak at several meetings. I tried to avoid as much of that as I could, but I did make it to a monthly dinner meeting in Seattle in mid-August.

I had had very little contact with either the State or federal party organizations, but I was graciously received at the meeting and my presentation recounted the chronology of my election and the legislative session. Afterwards, I fielded questions from the audience. The question and answer period was intended to be brief, but they weren't about to let me off that easy. I stayed for nearly two hours answering questions.

Many members of the audience were clearly troubled by the fact that I would support a budget bill that continued the funding of so many anti-libertarian functions. Like all political organizations, there are libertarians of all kinds, from anarchists to purists to conservatives. I recapped the arguments that I made many times before regarding my approach to the budget and wanting to remain relevant, but many of us ended up having to agree to disagree.

Cindy and I took a week's vacation to Canada and left the kids with the Mark. It was good to have some time alone with Cindy. We now knew what these sessions could be like and we were going to plan much better for the next one.

My law practice was busy and it was going to get busier because I needed to feed my growing staff. Jennifer was now a very capable legal assistant and we had settled on a new associate attorney, Jeff Miller. Jeff had a heavy litigation background with a law firm in Tacoma. He had a young family and was looking forward to life in Southport. We also hired Tina, a young woman who would handle the phones, reception and bookkeeping and be a part time legal secretary. This would leave time for Jennifer to work closely with Jeff and me on legal issues. My overhead had tripled, but I had Jennifer and Jeff to help get the work out the door and generate revenue.

After we completed the discovery stage of litigation on the Nathanson case, my insurance company lawyer moved for summary judgment and obtained an easy dismissal. The local newspapers picked up the decision, but of course, the Seattle papers didn't bother.

One of the very nice things that occurred to me was that a group of software executives, led by Andrew Webster took out full-page advertisements in most of the major newspapers in the State that stated as follows:

THANK YOU SENATOR JOHN AUSTIN
AND REPRESENTATIVE TOM BUSH

Senator John Austin from Southport, Washington deserves our thanks. Our State would be shut down if not for his strength of character and abilities. He broke the deadlock in the State Senate and used his position to forge a budget bill that reflected the new realities of our economy. Just as importantly, he played an important and subtle role in the House of Representatives vote on the bill. He did this as he was being attacked in the press. The press labeled him an incompetent lawyer and covered in great detail a legal malpractice action filed against him during the session. If they would have looked closer, they would have seen that the plaintiff had brought over 32 separate pieces of litigation in the last seven years in Pacific County, almost all of which resulted in dismissals. The plaintiff's suit against Senator Austin was dismissed before ever reaching trial. An independent review of the case file indicates that the suit was baseless.

Representative Tom Bush deserves our thanks as well. In the face of enormous pressure, he ignored threats of retribution to vote for the Democratic budget bill. The State Republican Party is already looking for someone to run against Representative Bush in the next election. The Washington Teachers Union and several other unions representing public employees have branded him for persecution. In addition, he is being disowned by his own party. That surely is a sign that Mr. Bush is deserving of support. They are going to use all of their resources to help defeat Mr. Bush in the next election.

This State needs more independent thinkers like Austin and Bush. We cannot afford to have politics as usual. The viability of our companies and the jobs they

create hang in the balance. Government plays an important roll in all of our lives, but it must be efficient and not interfere with the process of creating jobs and new products. Partisan politics has been stopping the government from reaching that goal. Thanks to Messrs. Austin and Bush, partisan politics has been dealt a serious blow in Washington.

The persons whose names are listed below are executives of technology companies that are headquartered in the State of Washington. Collectively, we employ over 100,000 people in the State. We support Senator Austin and Representative Bush. We ask you to do the same. Thank you.

(Andrew Webster's name was then followed by the names of over fifty executives working in for high technology companies in the State of Washington).

When September rolled around, I had a few months of reasonably normal life under my belt and I was starting to get a little antsy. It was time to begin planning for the next session. I began to review the State statutes, called the Revised Code of Washington, and started a list of statutes that I could like to see repealed. It would be fairly easy to come with a list of repealers for the next session. I would of course bring back my repealer on the prevailing wage laws.

The bigger issue was the election that would occur in November of next year. Several members of the Senate were coming up for election and, of course, the whole House would come up for election as well. Those elections would be most telling. The only thing I could be sure of was that the major parties would pull out all the stops in an effort to quash any sort of trend. There would be no quick and decisive victory; just a hotly contested process that will probably go on for many years to come.

I began thinking about possible candidates to run in the House as libertarians for the 19th District. Besides the short session that would begin next January, getting some libertarians elected would be next year's project.

Cindy could hardly wait.

