

LNC Meeting

Anaheim Marriott Hotel Anaheim, CA July 2, 2000

Present: David Bergland, Chair
Hugh Butler, Vice-Chair
Mark Tuniewicz, Treasurer
Steve Givot, Secretary

John Buttrick, At-Large Representative
Mike Dixon, At-Large Representative
Bill Hall, At-Large Representative
Jim Lark, At-Large Representative
Mary Ruwart, At Large Representative

Bette Rose Smith (CO), Region 1 Representative
Joe Dehn (CA), Region 2 Representative
Scott Lieberman (CA), Region 2 Alternate
Ken Bisson (IN), Region 3 Representative
Jim Turney (VA) - Region 5 Representative
Elias Israel (MA), Region 6 Representative
Bob Franke (IL), Region 7 Representative
Deryl Martin (TN) - Region 8 Alternate

Also present: Ed Hoch (AK), Region 1 Alternate
Dan Fylstra (NV), Region 2 Alternate
Ken Lindell (ME) - Region 6 Alternate

Absent: Terry Savage (NV), Region 2 Representative
Barbara Goushaw (MI) - Region 3 Alternate
Chris Spruyt (NC), Region 4 Representative
Gary Ilardi (FL), Region 4 Alternate
Richard Schwarz (PA), Region 5 Alternate
Geoff Neale (TX) - Region 8 Representative

Vacant: Region 7 Alternate

Staff: Steve Dasbach, National Director

The meeting was called to order by Bergland at 6:20 PM PDT

Item: Arizona

Bergland said that subsequent to the last LNC meeting, he attempted to establish a proposal to resolve the

disputes in AZ. He said that he worked to modify and improve that proposed agreement.

Bergland said that an effort was made to meet with ALP and ALP, Inc.

Buttrick reported that a meeting was held the night before to attempt to get ALP to reach agreement. He said that it was clear that the top issue which ALP wanted addressed was bringing an end to all lawsuits. He said that the meeting went nowhere because the LNC lacks the authority to require any affiliate to stop litigation.

Buttrick said that Givot suggested to ALP that the draft agreement written by Bergland lacked a needed provision that would eliminate litigation as a means to handle any future disputes which might arise between the parties. He said that after the meeting, Nancy Lord Johnson was able to bring forward an agreement in principal using new language along the lines proposed by Givot.

Buttrick said that a new agreement exists which could be signed by ALP, ALP Inc, and LNC. He said that ALP has already signed the agreement, but that delegate approval may be needed.

Lark said that the real issue relates to two groups using the "Libertarian Party" name while the existing litigation is finally resolved in the courts.

Bergland said that the real issue is how the LNC would work with two chairs representing two groups during the pendency of the current litigation.

Lieberman asked what guarantee there is that whichever group prevails in the pending litigation will accept the individuals from the losing side into its group after the litigation ends.

Dehn reported that ALP, Inc. Chair Peter Schmerl said that he cannot comment on the agreement until his group meets to discuss it. He said that he is not comfortable with allowing a government court to determine which group will become the LNC's affiliate. He said that Schmerl is not happy with the idea of giving up.

Butler said that he told Schmerl that the convention is the Party and that it can take any action. He said that he reminded Schmerl that the situation in AZ is on the agenda for the next morning and that the Chair and the LNC would probably want the convention to address the issue.

Hall said that the fact remains that the LNC wants ballot access in AZ. He said that if ALP retains the right to determine which names are placed on the ballot in AZ, the LNC may have a problem with the names ALP chooses to place on the ballot.

Tuniewicz said that he shares concerns expressed by others about letting the courts decide which group becomes the LNC's AZ affiliate. He said that, in the meantime, there may be problems created if the two groups take differing positions on certain issues such as joining UMP.

Givot said that the agreement calls for the LNC to respect the decision of the parties to let the court decide the issue. He said that this is different from the LNC advocating that the courts should make the decision..

Givot said that the LNC cannot force agreement on this matter. He said that if there are only two signatures on the agreement - the LNC's and one of the other party's - that the agreement is going nowhere. He said that the LNC needs to decide what to present to the delegates if ALP, Inc. does or does not sign the agreement.

Lieberman said that it may take three years to decide if the matter goes all the way to the U. S. Supreme

Court. He said that the delegates will need additional information if they are to participate in deciding this matter.

Dehn said that if there is an agreement, the delegates will likely support it. He said that if there is no agreement, the delegates will likely look more carefully into the details.

Butler said that within the past 48 hours, ALP has threatened issuing a news release in which ALP would call the LNC dishonest for claiming 50 state plus DC ballot access.

Butler said that the early September deadline for submission of candidates' names to the AZ Secretary of State creates a sense of urgency. He said that the LNC has a greater power to cause a resolution to this problem prior to that date.

Lark said that ALP has not taken action against the LNC during the convention, "showing some restraint."

Butler said that the LNC should go to the convention floor as things are.

Givot suggested that further discussions be held in executive session.

Butler said that he opposes going into executive session at this time.

Bergland said that the best that could be done would be to get ALP, Inc. to sign the agreement. He said that there is no value in taking the agreement to the convention floor if all parties have not signed it.

Dehn said that going to the convention floor with the agreement does have value if ALP, Inc. signs it.

Fylstra said that ALP feels that they have been forthcoming in signing the agreement. He said that Nancy Lord Johnson was very helpful in persuading ALP to take a positive step forward and sign the agreement. He said that if ALP, Inc. does not sign the agreement, the status could be reported to the convention.

Israel said that he opposes the idea of going to the convention floor unless all parties have signed the agreement.

Dixon said that Schmerl has made efforts to bring about a regional realignment, attempting to find a region to join where there was no clear choice for regional representative.

Lark said that ALP told him that Schmerl and John Zajac were seeking positions on the LNC.

Arthur Kerschen of the Pima County LP told the Committee that Scott Stewart may be seeking a position on the state committee.

Givot said that ALP has taken a very positive step forward to a middle ground. He said that ALP has every reason to believe that the LNC will do its best to move forward with this agreement. He said that if the LNC does not move forward with the agreement, it can expect ALP to withdraw from its current cooperative behavior.

Kerschen told the LNC that it has two choices - either to disaffiliate ALP, Inc. or to join ALP, Inc. in its litigation

Bisson said that the LNC could clarify that the "Libertarian Party" is on the ballot in all states even if the name of a different candidate appears on the ballot in AZ.

Martin said that the first problem presented was item two in the agreement. He said that it seems that this may not be the case.

Lark said that Schmerl approached him because he is a candidate for LNC Chair. He said that Schmerl sought his support in the lawsuits.

Buttrick said that there is value to LNC signing the agreements.

Givot moved that the Committee go into executive session.

The motion passed on a voice vote.

The Committee went into executive session

The Committee returned to open session.

Israel moved that the Chair be directed to sign the agreement on behalf of the LNC, that the Chair be directed to seek agreement among all parties, and that only if agreement is reached between all parties should the document be presented to the convention.

Givot seconded.

The motion passed on a voice vote.

The meeting was adjourned.

