

LNC Executive Committee Meeting

**Teleconference
October 13, 2000**

Present: Jim Lark, Chair
Dan Fylstra, Vice-Chair
Mark Tuniewicz, Treasurer
Steve Givot, Secretary
Joe Dehn (CA), Region 2 Representative
Staff: Steve Dasbach, National Director
Ron Crickenberger, Political Director

Lark called the meeting to order at 12:02 PM EDT.

Item: Adoption of Agenda

The agenda was adopted as proposed.

Item: Joining Browne Lawsuit Against FEC

Dasbach reported that the lawsuit will not be filed during the coming week, but is expected to be filed before the end of October.

Dasbach said that to the extent that people would like to see changes in the filing, it is important to document those requested changes.

Tuniewicz said that he shares Dehn's concern that "Citizens United" was among those to be filing this lawsuit, and that he would like more information about this group.

Dasbach said that Citizens United had done the independent expenditure regarding Willy Horton.

Tuniewicz said that he shares Bergland's enthusiasm for the lawsuit.

Dasbach said that Browne would like the LNC to contribute financially, but that it is not a prerequisite to LNC participation in the lawsuit. He said that if the LNC does not fund the lawsuit or participates in a small way, that the Browne campaign would like another opportunity to mail using the LP mailing list after the election.

Dasbach said that the LP's status as a large political party gives the suit stronger standing.

Dehn asked what is being done to make the sorts of changes that have been requested. He said that he did not see the sort of statistical analysis that he would have hoped for.

Dasbach said that he has a sense that the delay in filing will permit providing that sort of information.

Givot said that he believes John Buttrick's advice about defining the LNC's liability with regarding to this lawsuit should be taken. He said that any ambiguity about funding the lawsuit or permitting an additional mailing after the convention should be avoided by written agreements relating to both attorney's fees and possible sanctions.

Tuniewicz said the it would be better to say nothing and keep flexible with regarding to possibly funding the lawsuit.

Dasbach said that he does not believe that, given our current financial position, the LNC should commit to permitting the requested letter to be sent. He said that the timing of the letter might make it a reasonable thing to permit. He said that we might want to use the lawsuit as the basis for an LNC fundraising letter.

Dehn said that doing so would imply the that LNC would be funding the lawsuit.

Dehn said that the Browne campaign may end up in debt and might use a such a letter to pay off campaign debts.

Dasbach said that he does not believe this to be the case.

Givot asked that Buttrick's advice be taken and that prior to joining the lawsuit, the LNC should obtain a letter from the attorneys indicating that LNC has no financial obligation to fund this lawsuit and the other parties to the lawsuit will hold the LNC harmless with regard to any penalties which might be assessed by the court.

Lark asked whether the period for such a post-election mailing is well-defined.

Dasbach said that it is not.

Dehn asked who would provide the letter suggested by Buttrick.

Givot said that his experience would suggest that the attorneys could provide a letter indicating that the LNC is not responsible for their fees and a hold-harmless letter

from the other plaintiffs would deal with the issue of penalties or sanctions assessed by the court.

Fylstra said he didn't understand the concern about the LNC's possible liability in this lawsuit, given that a similar concern did not arise in the EC's earlier discussion of the "527 group" lawsuit. He said that it cannot be too hard to determine whether or not we would be "on the hook" for fees or penalties in this lawsuit.

Lark asked the members for suggested course of action.

Dehn said that he believes what is needed is more information.

Dasbach said that he would have sufficient time to gather additional information.

Dasbach asked for members to email him with any comments or suggestions on the legal filing itself as well as any questions that they would like to have answered.

Dasbach was uncertain as to when the EC would need to meet again. He suggested that targeting a meeting for the end of next week would be prudent.

Item: Next Meeting

The Committee set its next meeting on this topic on Thursday, October 19 at 8:00 PM EDT.

The meeting was adjourned at 12:35 PM EDT.