

1982

LIBERTARIAN PARTY OF CALIFORNIA

Executive Committee Meeting  
Hollywood, California  
November 21, 1982

The meeting of the Executive Committee of the Libertarian Party of California was brought to order by Mary Gingell, Chair. Two additions were made to the proposed agenda; 1) general announcements under Old Business and 2) consideration of a marijuana initiative under New Business.

Credentials Report: Treynor reported that Ray Lansburger of Tulare County has asked to be appointed to the Central Committee for Tulare County. Lansburger is the only known libertarian activist available for representation of Tulare County. It was MOVED, SECONDED and PASSED that Ray Lansburger be appointed as Tulare County representative to the Libertarian Party of California Central Committee.

It was MOVED, SECONDED & PASSED that Tom Jacobsen LPC Treasurer and Carolyn Treynor, LPC Secretary be appointed official voting members of the Libertarian Party of California Central Committee and Executive Committee; and that Gary Meade, LPC Judicial Committee member be appointed an official voting member of the Libertarian Party of California Central Committee.

A listing of Members and guests in attendance at this Executive Committee meeting is attached to these minutes (see attachment "A").

OFFICER'S REPORTS

Chair's Report: Gingell reported that the Steiger resolution (reference: LPC Convention, August, 1982 minutes) was sent as directed by the Central Committee. Only one reply was received to a request for newsletter exchange between the LPC and other state Libertarian Parties. Gingell emphasized the need for increased media awareness and coverage; in that regard, Mike McCowan has been asked to develop a plan for improving media coverage and awareness. That plan is expected to be completed by January of 1983.

The Chair also announced that six (6) attorneys with R. Winger have been requested to be available from time to time, as needed, to function as volunteer legal advisors for the LPC. Two of those attorneys contacted have responded affirmatively to this request.

Gingell asked that B. Evers, immediate Past Chair of the LPC, present a plan he has developed for fund raising purposes. A copy of that proposed plan is attached to these minutes (see attachment "B"). It is anticipated that the plan will be forwarded to the LPC Finance Committee for their review and any necessary adjustments. It was MOVED, SECONDED & PASSED that the Finance Committee prepare a cost analysis of proposed fund raising activities for the LPC.

Northern Vice Chair's Report: Garris reported that several counties in the northern part of the state are quite active. He will now be working with the following less active counties with an objective of having regular monthly meetings established

Libertarian Party of California  
Executive Committee Meeting  
November 21, 1982  
Hollywood, California

in each of these counties within the next six (6) months: Sacramento, Santa Cruz, Nevada, Sonoma, and Marin. Garris also reported that there is now some activity in Lake County. In that regard, it was MOVED, SECONDED & PASSED that Randall Grindale, an activist in Lake County, be appointed to the Central Committee of the LPC as representative from Lake County.

Southern Vice Chair's Report: Dean reported that several southern California counties are now very active and he is trying to help organize several other counties which appear to have potential for such organization.

Secretary's Report: Treynor reported that the minutes of the August, 1982 Central Committee meeting have been distributed.

It was MOVED, SECONDED & PASSED that the LPC Executive Committee ratify the holding of a Libertarian Party of California Central Committee meeting on February 20, 1983 in Oakland California, coincident with the California Libertarian Council Convention.

Treasurer's Report: In the absence of the treasurer, the Chair presented the Treasurer's report. (See attachment "C" to these minutes.) It was MOVED, SECONDED & PASSED that henceforth, as a matter of policy, the treasurer shall distribute a statement of financial condition and sources and uses of funds to members of this committee, prior to or at each meeting of this body.

OLD BUSINESS

General Announcements: It was announced that H.R. 7044, the Postal Services Bill, is still alive; since it is now being reconsidered, work is still needed to defeat this bill.

It was MOVED, SECONDED that the orders of the day be suspended to discuss our current fiscal resources and fiscal needs. The motion FAILED.

1982 LPC Convention Report: Mark Hinkle reported that the San Jose Convention was successful, with 91 registration packages sold. He presented to the Chair a check in the amount of \$753.88; these monies are to be used to pay for LPC Office support activities.

Southern Vice Chair, Jack Dean took the chair and called for the next item of business.

Reorganization Committee Report: Mike Anzis presented an interim report on the committee's progress. (See attachment "D" to these minutes.) The goal of the committee is to present a full plan for reorganization of the LPC and CLC at the February, 1983 Central Committee meeting.

NEW BUSINESS

Budget Committee: It was MOVED, SECONDED & PASSED that Hank James and Lou Villadsen be appointed members-at-large to the LPC Budget Committee.

Libertarian Party of California  
Executive Committee Meeting  
November 21, 1982  
Hollywood, California

Committee For Party Renewal: It was MOVED, SECONDED & PASSED that this body affiliate with the Committee for Party Renewal; that Richard Winger, Mary Gingell and Eric Garris be appointed as this body's representatives to that committee; that the appointed representatives be charged with reporting regularly to this Executive Committee on the activities of the Committee for Party Renewal, and to take policy directives from the LPC Officers to the Committee for Party Renewal; and that the appointed representatives be authorized to disaffiliate this body from the Committee for Party Renewal should they deem such action appropriate. (See attachment "E" for additional information.)

Participation in Lawsuits: It was MOVED, SECONDED & PASSED that this body affiliate with the lawsuit to allow parties to endorse in non-partisan elections, subject to there being no fiscal expense to this body and subject to prior approval by the LPC Officers following input from volunteer attorneys.

It was MOVED, SECONDED & PASSED that this body affiliate with the lawsuit which challenges the high vote requirement to nominate write-in candidates in primary elections, subject to there being no fiscal expense to this body and subject to prior approval by the LPC officers following input from volunteer attorneys.

Marijuana Initiative: It was MOVED, SECONDED & PASSED that this body endorse "An Act To Amend The Health And Safety Code Of California" (see attachment "F").

Adjournment: There being no further business to come before the Executive Committee, the meeting was adjourned at 11:40 a.m.

Respectfully submitted,



Carolyn Treynor, Secretary

LIBERTARIAN PARTY OF CALIFORNIA

EXECUTIVE COMMITTEE MEETING  
Hollywood, California  
November 21, 1982

LIST OF ATTENDEES

Members-at-Large

Sharon A s  
Martin Buerger  
Mike Hall  
Mark Hinkle  
Mark Pickens  
Lyn Sapowsky

David Bergland  
Sally Foster  
John Hamilton  
Karen Huffman  
Melinda Pillsbury Foster  
Bill White

County Representatives

Corby Sommerville, Alameda  
Les Antman, Orange  
Mike Mayakis, San Francisco

Bob Lehman, Los Angeles  
Dennis Schlumpf, Placer  
Jeff Smith, Santa Clara

Officers

Mary Gingell, Chair  
Eric Garris, N. V. Chair  
Jack Dean, S. V. Chair  
Carolyn Treynor, Secretary  
Bill Evers, Immediate Past Chair

Guests

Jeannie Martin  
Sam Treynor  
Mike Anzis  
Ted Brown

Joan Vanderslice  
Bruce Lagasse  
Pat Buerger  
Kate O'Brien

Fundraising Plan (1983)

## A. Pledges

1. Current income
2. Billing procedure (installed by Jan. mailing)
3. New pledges
4. Volunteer pledge program coordinator

## B. Large Donor Program

1. Six member committee
2. Monthly quotas (escalated after 6 mons.)
3. Special projects packages with budgets
  - a. media development
    - (1) media kit
    - (2) telephone expenses
    - (3) local coordinator training
  - b. state newsletter (Calif. Activist '83)
  - c. vote analysis
    - (1) 1982 results by county & city
    - (2) Jack Sanders' and Michael Chastain's work as examples
    - (3) written summary explaining meaning
  - d. issue papers--updates of Fuhrig/Dougherty/Caliber material
  - e. campaign school for candidates & campaign managers
  - f. direct mail program

g. Field Research Institute reports

C. Special Events

1. Northern & Southern Coordinators

a. 5 dinners/year/coordinator

b. telephone expenses

2. Target Counties (Santa Barbara, San Diego, Los Angeles, Orange, San Francisco, Santa Clara, San Mateo, Contra Costa, Marin, Santa Cruz)

3. Dinners

a. attendees pay cost plus donation

b. top flight speaker

(1) provided by state LP

(2) paid travel & hotel expenses plus meal

c. fundraising at event

d. net split 50/50 with local county

4. Generic budget

5. Speakers' list

D. Direct Mail

1. Glossy brochure with professional photos & design

2. Letter--summarizing past results & current projects

(valid for entire year)

3. Lists for test-mailings

4. Volunteer direct-mail coordinator

a. oversee package development & production

b. procure lists of names

--prepared by Bill Evers (11/82)


Libertarian Party of California

Statement of Income and Expenses  
 January 1 through September 30, 1982

INCOME:	
Pledges	\$3625.00
One-time donations	1916.30
Sales	23.10
TOTAL	<u>\$5564.40</u>
EXPENSES:	
Salaries	\$1080.00
Employment taxes	240.74
Contractor charges	984.19
Postage	407.49
Printing	673.43
Phone	884.54
Rent	750.00
Literature	57.15
Miscellaneous (utilities, refreshments, supplies, office insurance)	193.08
TOTAL	<u>\$5270.62</u>
NET INCOME:	<u>\$293.78</u>

Balance Sheet - September 30, 1982

Cash	\$ 137.61
Due from other Libertarian organizations/individuals	68.87
Postage on hand	24.00
Bulk permit	15.00
ASSETS:	<u>\$ 245.48</u>
Due to vendors	\$ 138.59
Due to members	192.51
Due to contractor	238.74
Due to NCCEL	450.00
LIABILITIES:	<u>\$ 1019.84</u>
DEFICIT:	<u>&lt; \$ 774.36 &gt;</u>
	<u>\$ 245.48</u>

  
 Thomas A. Jacobsen  
 Treasurer

CLC/LPC Merger Committee  
Mike Anzis, Chairman  
12 Windwood  
Irvine, Ca 92714  
(714)552-5004

November 19, 1982

To: CLC and LPC Executive Committees

Subject: Preliminary Report

Background:

The Merger Committee was formed at the August 1982 Convention of the LPC to investigate a possible merger of the LPC and CLC. The committee's goal is to present a plan for merger consisting of 3 documents:

- a proposed section of the California Elections code describing the Libertarian Party,
- proposed Bylaws of the new LPC organization,
- a plan for implementing the merger.

These documents are to be presented to both organizations at their February meetings.

Progress Report:

The Committee has distributed a questionnaire among its members and has met once in Northern California and once in Southern California.

We have agreed, with one member dissenting, that merger is in the best interests of both organizations, and that the surviving organization should be the LPC.

The outline of the new LPC organization would be as follows:

State Central Committee consisting of all members of the County Central Committees. It would collect dues which would be divided with the County Central Committees.

County Central Committees consisting of all individuals who pay dues to the State Central Committee and affiliate with a county. These would be similar to current CLC Regions.



State Convention consisting of delegates from the County Central Committees, similar to the current CLC convention, which would handle:

- Bylaws and Platform;
- Election of LPC state officers and Executive Committee;
- Endorsement (possibly nomination) of statewide candidates;
- Election of delegates to the National Libertarian Convention.

State Executive Committee similar to the current <sup>CLC</sup> ~~CLC~~ state executive committee.

The new LPC organization would request recognition as the affiliate of the National Libertarian Party.

A detailed proposal for the new LPC organization will be presented in February in Oakland.

The CLC/LPC Merger Committee:

Mike Anzis  
Jack Dean  
Carolyn Felton  
Eric Garris  
Mary Gingell  
Mike Hall  
Hank James  
Dennis Schlumpf  
Bill White

## California Committee on Party Renewal

## Litigation to Deregulate Political Parties

This is a proposal for litigation based on the Constitution to free political parties from unnecessary and debilitating government regulation. The litigation will be a major step toward more accessible, cohesive, effective political parties - parties able to perform valuable functions in our political system.

## I.

American political parties are subject to extensive government regulation in most states. State laws prescribe key party organizations and their composition and selection, detail procedures they must follow, specify who may be party members and officers, require that party candidates be nominated by primary elections, and prohibit party organizations from endorsing or otherwise supporting candidates for nomination in primary elections or in nonpartisan local and judicial elections.

Not all states go this far, but the great majority have adopted statutes regulating important aspects of the parties' structure and operation. In no other democratic nation is there anything even approaching the extent of regulation in these states. For the first century of this country's history there was little regulation of parties. State regulation developed rapidly from 1890 to 1920, partly out of concern about fraud, coercion and exclusion in connection with party decision making and corrupt or special interest influence in government through parties, and it has continued to expand.

In the judgment of many thoughtful persons there has been serious overregulation of parties. Statutes, to a greater or lesser extent, deprive parties of leadership and talent, forbid vital powers, and prevent them from organizing on a grass roots, integrated, functional basis. This has greatly weakened the parties, making them less capable and effective in performing vital social functions that parties can perform in a democratic society - e.g., recruitment, training and election of more able and compatible candidates, restraints on special interest influence with elected officials, greater accountability of office holders, compromise and aggregation of diverse interests into broad, effective coalitions for more coherent government or opposition. It is crucial to democracy that there be free, effective parties vitally involved in government.

E

To some extent party functions have been taken over by much narrower, less responsible political entities (e.g., unofficial party organizations, media, single-issue groups, political action committees) - "mobilizers of minorities rather than majorities." We now have a relatively anarchic situation, with most candidates and officeholders operating largely on their own. It is difficult for the public to focus responsibility for government decisions.

Of course, a number of factors in addition to state regulation have contributed to the decline and present debilitated condition of parties. But regulations do deprive parties of the ability to govern themselves, to organize as they deem best, to choose how to nominate their candidates - generally to adapt to the changing social and political environment and to the interests of their members in order to be effective.

## II.

A strong case can be made under the Fourteenth and First Amendment to the United States Constitution that much of the state regulation of parties violates freedom of association and speech for political purposes. A right to freedom of expression regarding political matters, absent the most compelling reasons for governmental restriction which cannot be met by less restrictive alternatives, has become well established over the past fifth years. This right is at the heart of the First Amendment, and applies to organizations as well as individuals. "The inherent worth of the speech in terms of its capacity for informing the public does not depend upon the identity of the source, whether corporation, association, union or individual." It raises serious questions about state prohibitions on party endorsements and other expressions of support in connection with primary and nonpartisan elections.

The right of association, to act collectively to advance beliefs and group interests, especially political causes, has more recently been recognized and developed by the courts. It stems from recognition that effective advocacy of positions is undeniably enhanced by group association. It is now also well established as "a basic constitutional freedom...at the foundation of a free society." Accordingly, government action which significantly curtails freedom to associate for political purposes is subject to the closest scrutiny. This creates severe doubts about many state regulations of party structure, procedures and powers. It is hard to see how most of these regulations meet any compelling public need or, if they do, that the need cannot be satisfied by less restrictive, less intrusive means.

## III.

The proposal is to start the deregulation of parties by

filing a lawsuit in federal court challenging several California statutes; specifically -

(1) the ban on party organization endorsement and support for candidates for party nomination in primary elections and candidates in nonpartisan elections. (California Elections Code § 11702; California Constitution, Art. II, § 6);

(2) statutes prescribing the composition and selection of party state central committees (Cal. Election Code §§8660, 8661(c), 8663, 8664, 8665, 8667, 8669, 9160.5, 9161, 9161.5, 9162, 9163); and

(3) requirements that party leadership be limited to non-consecutive 2-year terms and rotate between Northern and Southern California every two years, and that the state central committee meet in Sacramento at a specified time (Cal. Elections Code §§8774, 9274, 8710, 9210).

This litigation, well planned and executed, has a good chance of success. The United States Supreme Court has already held that states cannot, contrary to party rules, control the selection of delegates to national party conventions or their conduct at the convention. There are lower federal court decisions, just recently affirmed summarily by the Supreme Court, holding invalid prohibitions on endorsements in primary elections. The District of Columbia Court of Appeals recently said, "...cases have now placed the internal workings of a political party within the protection of the First Amendment.... [A] party's choice, as among the various ways of governing itself, of the way which seems best calculated to strengthen the party and.... There must be a right not only to form political associations but to organize and direct them in a way that will make them most effective." A district court has ruled unconstitutional a Rhode Island statute prescribing the size and method of selection of a party municipal committee.

An important purpose of the proposed litigation would be to obtain decisions by the federal courts, especially the United States Supreme Court, establishing precedents which would free parties all over the country from restrictions. If successful the decisions will strengthen parties, permit their more rational organization, create a much more meaningful opportunity for citizen participation in politics, and provide more relevant information for party members and the public. They could lead to much more accountability and responsiveness of elected officials.

Unfortunately, there is little chance of any substantial reform by legislators, let alone general repeal of unconstitutional statutes. Many legislators, quite naturally, do not want parties that are significant independent power centers to

E

which they would be accountable and which might prejudice them with constituents or supporters.

Statutes could still regulate parties to the extent necessary to protect important public interests and individual rights, e.g., to prevent fraud or coercion in connection with party decisions, to insure adequate notice and opportunity to participate in party meetings, or to prevent racial, ethnic, or other invidious discrimination, but unnecessary, unconstitutional regulations would be swept away. Of course parties could choose to continue any rules now required by law as party rules. Interim legislation would be necessary for orderly, fair transition from the present statute-controlled situation to unified party-controlled organization and action.

IV.

\$10,000 is probably the minimum necessary amount to undertake this first suit. Conceivably a larger sum might be necessary if defendants were to adopt an obstructive, delaying strategy. The amount is low because there would presumably be no need for a trial, only questions of law would be involved, and counsel in large part would be gratis (indeed, substantial work has already been done). Plaintiffs would be party members, officers, and organizations, perhaps persons affirming their desire to join and be active in unregulated parties, and possibly public interest organizations. Defendants would be the attorney general and district attorneys in key counties where plaintiffs reside.

Robert Girard  
Professor of Law  
Stanford University

AN ACT TO AMEND THE HEALTH AND SAFETY CODE OF CALIFORNIA

I. ADD SECTION 11357.5 TO HEALTH AND SAFETY CODE OF CALIFORNIA:  
ANY LAW OR POLICY TO THE CONTRARY NOTWITHSTANDING:

- (1) ADULTS, 18 YEARS OR OLDER, SHALL NOT BE PUNISHED CRIMINALLY, BE DENIED ANY RIGHT OR PRIVILEGE, OR BE SUBJECT TO ANY PERMIT, LICENSE REQUIREMENT OR FINES, FOR PAST OR PRESENT PRIVATE POSSESSION, CULTIVATION, TRANSPORTATION OR CONSUMPTION OF MAJIJUANA OR HEMP FOR PERSONAL USE.
- (2) MARIJUANA IS HEREBY RESTORED TO THE AVAILABLE LIST OF MEDICINES IN CALIFORNIA. LICENSED PHYSICIANS SHALL NOT BE PENALIZED FOR PRESCRIBING MARIJUANA FOR MEDICAL PURPOSES.
- (3) THE MANUFACTURING, MARKETING, DISTRIBUTION OR SALES BETWEEN ADULTS, OF EQUIPMENT, ACCESSORIES OR LITERATURE, DESIGNED OR MARKETED FOR USE IN THE PLANTING, CULTIVATION, HARVESTING, CURING, PROCESSING, PACKAGING, STORING, ANALYZING, CONSUMPTION, POSSESSION OR TRANSPORTATION OF MARIJUANA, HEMP, HEMP FIBER, OR HEMP SEED PROTEIN FOR PERSONAL USE SHALL NOT BE PROHIBITED.
- (4) THE ENACTMENT OF THIS INITIATIVE IS TO BE RETROACTIVE IN ITS APPLICATION TO INCLUDE AMNESTY AND CLEARING OF CRIMINAL RECORDS FOR ALL ACTS WHICH ARE HEREBY NO LONGER ILLEGAL.

II. THIS ACT DOES NOT AFFECT LEGISLATION PROHIBITING PERSONS UNDER THE INFLUENCE OF MARIJUANA FROM OPERATING A MOTOR VEHICLE, OR ENGAGING IN CONDUCT WHICH MAY ENDANGER OTHERS.

III. SEVERABILITY; IF ANY PROVISION OF THIS ACT, OR THE APPLICATION OF ANY SUCH PROVISION TO ANY PERSON OR CIRCUMSTANCE, SHALL BE HELD INVALID, BY ANY COURT, THE REMAINDER OF THIS ACT TO THE EXTENT IT CAN BE GIVEN EFFECT, OR THE APPLICATION OF SUCH PROVISION TO PERSONS OR CIRCUMSTANCES OTHER THAN THOSE AS TO WHICH IT IS HELD INVALID, SHALL NOT BE AFFECTED THEREBY, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

LPC Executive Committee  
Meeting Minutes  
Attachment "F"