

LNC Meeting

**Anaheim, CA
June 29, 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

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
Geoff Neale (TX) - Region 8 Representative

Also present: Deryl Martin (TN) - Region 8 Alternate

Absent: Bette Rose Smith (CO), Region 1 Representative
Ed Hoch (AK), Region 1 Alternate
Terry Savage (NV), Region 2 Representative
Dan Fylstra (NV), Region 2 Alternate
Barbara Goushaw (MI) - Region 3 Alternate
Chris Spruyt (NC), Region 4 Representative
Gary Ilardi (FL), Region 4 Alternate
Richard Schwarz (PA), Region 5 Alternate
Ken Lindell (ME) - Region 6 Alternate

Vacant: Region 7 Alternate

Staff: Steve Dasbach, National Director
Ron Crickenberger, Political Director

The meeting was called to order by Bergland at 1:17 PM PDT.

Item: Setting the Agenda

Bergland said that no formal agenda had been distributed. He said that the follow items should be covered during the meeting:

- Review of March 2000 LNC Minutes
- Chair's Report
- Political Director's Report
- National Director's Report
- LP Program
- Budget Review

Givot said that the following items should also be covered during the meeting:

- Ratification of LNC mail ballot
- Revision of August 1999 LNC meeting minutes
- Policy Manual revisions

Israel said that the following item should be covered during the meeting:

- Reaffirmation of LPMA affiliation

The Committee adopted the agenda including all of the items suggested above.

Item: Credentials

Givot reported that there had been no change in the membership of the LNC since its last meeting.

Item: Ratification of LNC Mail Ballot

Givot reported the results of the LNC mail ballot regarding participation in a lawsuit against the FEC.

The Committee unanimously ratified the results of that mail ballot.

Item: Revision of August 1999 LNC Meeting Minutes

Givot reported that errors have been discovered in the minutes of the August 1999 LNC meeting. He said that the errors were substantive and should be corrected.

Givot read proposed changes as follows:

Proposed change #1:

Givot said that on page 37, the paragraph "The main motion was thereby restated to be...selects a new AZ affiliate" should be changed to read:

The main motion was thereby restated to be:

That the national party disaffiliates its AZ affiliate; that the national party shall notify national members in AZ of a request for affiliate applications; that the Chair

and National Director will set a deadline for receipt of all such applications; that upon receipt of applications, all applicants will be asked to submit a list of names and addresses of who should vote on affiliate preference; that if all applicants do not agree on this list, the list of national members in AZ will be used; that the national party will conduct a preference-type mail ballot; and that the results of that mail ballot will be presented to the LNC for consideration in selecting the new AZ affiliate.

Proposed change #2:

Givot said that on page 38, the paragraph "He read: That the national party shall notify...selecting the new Arizona affiliate" should be changed to read:

He read:

That the national party shall notify national members in AZ of a request for affiliate applications; that the Chair and National Director will set a deadline for receipt of all such applications; that upon receipt of applications, all applicants will be asked to submit a list of names and addresses of who should vote on affiliate preference; that if all the applicants do not agree on this list, the list of national members in AZ will be used; that the national party will conduct a preference-type mail ballot; and that the results of that mail ballot will be presented to the LNC for consideration in selecting the new AZ affiliate.

Proposed change #3:

Givot said that on page 40, the paragraph "Givot read: That the national party shall notify...selecting the new Arizona affiliate" should be changed to read:

Givot read:

That the national party shall notify all dues-current national members in AZ as of August 15, 1999 of a request for affiliate applications; that the Chair and National Director will set a deadline for receipt of all such applications; that the list of dues-current national members in AZ as of August 15, 1999 will be used to conduct a preference-type mail ballot; and that the results of that mail ballot will be presented to the LNC for consideration in selecting the new AZ affiliate.

Givot moved adoption of these changes.

Bisson seconded.

Buttrick asked whether the tapes of that meeting had been reviewed in preparing these changes.

Givot said that the tapes had not been reviewed because the proposed changes had been drafted that day and the tapes were at HQ in DC. He said that reading the rest of the minutes of that meeting, which provided a context for these paragraphs, makes it clear that these changes, in fact, reflect the sequence of motions and

discussion.

Israel said that it may be best to approve and keep both sets of minutes.

Buttrick said that it would be better not to make a record which may be wrong and which this body may have to change.

Bergland said that the new LNC Secretary can go back to the tapes and make changes if appropriate. He said that, therefore, it is best to make the changes even if the Committee wants the tape to be reviewed.

Dehn said that the current written record is wrong, is inconsistent with itself, and is inconsistent with anyone's recollection. He said that it would be best to change it, even if the proposed changes are not optimal. He said that we would not want to use the language on the tape in any event since it was in bullet format.

The motion passed and the amendments were made.

(Secretary's note: The revised minutes are captioned "Revised June 29, 2000.")

Item: Reaffirmation of LPMA Affiliation

Israel reported that in April 2000 LPMA and LAMA held a joint meeting to merge the two organizations. He said that the merger passed almost unanimously.

Israel moved: Be it resolved that the Libertarian Party of Massachusetts, having been duly merged with the Libertarian Association of Massachusetts and the Massachusetts Libertarian Party by the members thereof at a properly convened state caucus, is and remains the official Massachusetts affiliate of the national Libertarian Party.

Tuniewicz seconded.

Dehn asked what the effect of losing major party status would be.

Israel said that the affiliate's ByLaws take such changes into account.

The motion passed without objection.

Item: Chair's Report -- FEC Litigation

Bergland introduced issues relating to a possible new lawsuit against the FEC. He said that there was no need to consider this item because of certain outside developments.

Item: Chair's Report -- Web Commanders Negotiations

Bergland reported that he has been trying to negotiate an agreement with Web Commanders over the right to certain Internet domain names. He said that at one point the issues were narrowed down to a point where he felt it appropriate to take the proposal to the Executive Committee. He said that the Executive Committee is

resistant to that agreement, but that resistance would be reduced if the period of a non-competition clause were substantially reduced. He said that because it involves a negotiation which may lead to litigation, he does not wish to have an open session discussion of strategy. He said that there was a sense among the Executive Committee members that it would be best to permit the new LNC to proceed further with this matter.

Butler said that it is unanimous among the Executive Committee members that the party should defend the use of its name.

Dehn said that he is uncomfortable leaving things as they are, because until the LNC discusses strategy he would be uncomfortable proceeding as a member of the Executive Committee. He said that another reading of the LNC's views on this issue would be required before proceeding with additional negotiations. He said that he sees no need for the current LNC to do this, since it will be the new LNC and the new Executive Committee which should do so. He said that it would be unreasonable for the new Executive Committee to solve this problem without additional input from the new LNC.

Tuniewicz said that the Executive Committee has previously approved a course of action to be taken if no agreement was reached.

Givot explained that the Executive Committee had voted to initiate an arbitration proceeding against Web Commanders if no agreement had been reached by June 9. He said that no agreement was reached, but the Executive Committee has not moved to commence the arbitration proceeding.

Bergland said that the Executive Committee did vote to do that and to defer implementation of that action until this date. He said that issue should be on the agenda for the post-convention LNC meeting.

Butler moved to accept the Chair's report on the important matter of the defense of our party's name with thanks and recommend that the LNC take this matter up at its next meeting.

Israel seconded.

The motion was approved without objection.

Item: Chair's Report -- Arizona

Bergland said that the final topic of his report was matters in AZ. Bergland said that ALP, Inc. has appealed the court's rulings in favor of ALP.

Buttrick said that ALP, Inc. has 40 to 80 days to file a brief regarding its appeal. He said that ALP, and the Democratic and Republican parties have cross appealed on the issue of the constitutionality of certain AZ election laws.

Bergland said that Dasbach and he have discussed the matter and have come up with an idea that might address this matter at this convention, hoping that both sides of this dispute might embrace a solution. He said that one of the things that has happened in AZ is that the Secretary of State has decided that AZ will be using names provided by ALP as the LP's candidates for president and vice-president on the AZ ballot. He said that some ALP leaders have said that the presidential nominee selected at this convention will probably not be the

name placed on the AZ ballot.

Dasbach said that he has had discussions with Dehn, Givot, and Tuniewicz about a possible solution.

Bergland said that he has outlined a proposal based on these discussions which might be presented to both sides during this convention. The proposal has been turned into a proposed resolution to be presented to the convention which may resolve certain aspects of the dispute.

Bergland read the proposed resolution (attached).

Tuniewicz asked Dasbach whether either AZ group has been approached with this proposal.

Dasbach said that they had not been contacted yet.

Buttrick said that he had nothing to do with drafting this proposal. He said that this is a very smart proposal because it effectively forces both groups to bet on the outcome of the current litigation.

Ruwart said that, consistent with our concern about the use of our name in domain names, we should be pursuing the use of the Libertarian Party name by the group which is not our affiliate. She asked how the National Director will handle issues which would arise if the two groups took different actions, for example, regarding joining UMP.

Dasbach said that it would create headaches -- but smaller headaches than exist without it.

Lark asked how the recent United States Supreme Court decision would impact this situation.

Buttrick said that the Supreme Court decision would be brought to the attention of the court as the AZ litigation appeal proceeds.

Hall asked whether a 2/3 vote would be required to pass such a resolution since it, in effect, suspends the ByLaws.

Bergland said that this does not recognize more than one affiliate, rather it keeps both parties "in the loop" while the litigation is being resolved.

Dehn suggested that the language be changed to avoid stating that there are two groups claiming that they are our affiliate. He said that if the language were changed we could avoid publicizing those claims.

Butler asked what Bergland would like from the LNC. He asked, if the ByLaws are not suspended, what does the convention need to act upon?

Butler said that it sounds to him that the result of this proposal is that we would be allowing the AZ state government to determine which group is going to be the LNC's affiliate.

Bergland said that the result he would like is for the convention to pass this resolution creating political pressure on both groups to settle this matter. He said that such pressure would result from having the entire convention vote in favor of this solution.

Bergland said that he would like the LNC to support the concept. He said that whether a recess is taken to

modify the details of the language is up to the LNC.

Buttrick responded to Butler that the triggering event to decide which group will be our affiliate will be determined the judicial branch of the government. He said that the LNC ducked this issue a year ago. He said that it was a difficult decision for the LNC. He said that because the LNC didn't decide that issue, it falls to the courts.

Israel said that as a person distant from the AZ situation, that his concern is that the candidates nominated by the convention may not be placed on the ballot in AZ. He asked how that problem can be avoided.

Buttrick said that this agreement, if signed, will commit both sides into placing the candidates selected by this convention on the AZ ballot.

Givot suggested that Butler's concern may be addressed by having the parties agree to have the court resolve the matter and having us simply accept the parties' determination to respect the court's decision.

Butler said that he is more comfortable with that approach.

Martin asked why the entire convention would need to act on a resolution if the parties had a written agreement to resolve the conflict.

Bisson moved that the LNC directs the Chair and National Director to facilitate such a contract following the substance of the draft resolution outlined by Bergland, and that the LNC endorses the effort to seek a resolution to the situation in Arizona.

Butler seconded.

Lieberman asked whether the LNC has gone to any court yet on this matter.

Bergland said that the LNC had not gone to court yet.

Lark asked whether taking this approach might set a precedent to use the same mechanism -- a court decision -- in future disputes in other states.

Bergland said that this does not risk setting a binding precedent.

Israel suggested that we ask whichever party wins the litigation to assure that its ByLaws are consistent with the LP's ByLaws.

Bergland said that asking for anything more than we need might muddy the waters.

Dehn expressed concern about an LNC endorsement of a plan which is not fully laid out before the LNC at the time it endorses it. He said that he is not prepared to vote for this without detailed final language.

Tuniewicz said that at times affording a certain amount of flexibility in such negotiations is appropriate, and this is one such time.

Bisson suggested that approval of the final language could be delegated to the Executive Committee for approval.

Lark said that he is hesitant to endorse something without the specific language.

Butler suggested that the motion might be changed to endorse the effort instead of endorsing the language. He also suggested that if this is already in writing when the Chair brings it to the convention, and that the LNC could be called upon to approve the final language.

Givot said that the Chair has previously been given broad latitude to negotiate and settle such matters. He said that the Chair should be authorized to do this.

Bergland said that if any LNC member objects to the final language, he can express that view on the convention floor.

Dehn said that the strength of the LNC's endorsement depends on how seriously the LNC takes it. He said that the LNC should act now to convince ALP and ALP, Inc. that we care. He said that the LNC could have the best of both worlds by supporting the effort now and supporting the language when it is finalized. He said that the reason for having the LNC vote on the language is to assure that the LNC won't have a problem with it later. He said that having LNC members raise objections from the convention floor would undermine the whole purpose.

Dehn suggested that a formal LNC vote be scheduled to ratify the final language.

Givot asked Bergland when he would schedule a vote on this resolution. He said that an LNC meeting could be scheduled for that time.

Dixon said that putting a timetable on the effort might be productive.

The motion passed without objection.

The Committee agreed to meet shortly after the Sunday afternoon business session recesses to consider this matter.

Item: Political Director's Report

Crickenberger said that the goal of 218 congressional candidates is all but assured. He said that he currently has tallied a minimum of 220 candidates and as many as 235 candidates for the U. S. House. He said that not all of these candidates are necessarily on the ballot yet.

Crickenberger said that the LP has been certified for the ballot in OK.

He said that 70,578 signatures were turned in to the State Board of Elections in IL. He said that no one has purchased a copy of the petition which is a prerequisite to challenging it. He said that a challenge can be filed until 5 PM CDT on Monday, July 3.

He said that several other states are proceeding well and should pose no problem.

He said that PA has just sent a call for help. He said that they are about 30,000 signatures short. He said that this drive needs to be concluded by the end of July or early August.

Lark congratulated Crickenberger on his efforts. He asked if Crickenberger was one of the candidates.

Crickenberger said that he is one of the candidates for the U. S. House.

Givot asked about the details of the IL ballot drive.

Crickenberger said that he was disappointed about both the level of volunteer collections and the lack of local assistance in the management of the drive. He said that he had to fly to IL for signature turn ins because no one locally would handle them. He said that about 6,000 volunteer signatures and about \$35,000 to \$40,000 in cash was contributed by LPIL members.

Crickenberger said that the 2,000 candidate goal is likely unattainable as of this time. He said that 1,200 to 1,300 is more likely going to be the final result. He said that the biggest disappointment was in NC. He said that filing fees are the issue there. He said that it proved easier to gather lots of signatures than pay lots of filing fees.

The Committee recessed at 3:10 PM PDT and reconvened at 3:30 PM PDT.

Item: National Director's Report

Dasbach said that the Executive Committee had voted to transfer \$90,000 from contingency to ballot access. He said that ballot access expenses are well over budget for a variety of reasons. He said that this transfer will not be sufficient to cover anticipated ballot access needs.

Dasbach presented various budgetary changes to reflect the need for additional funding for ballot access as well as to reflect a likely shortfall in total revenues for the year.

Dasbach proposed amending the budget to reduce prospecting expense by \$500,000, prospecting revenue by \$350,000 and increase ballot access by \$150,000.

Tuniewicz moved that the budget be adjusted as proposed by Dasbach.

Bergland seconded.

Tuniewicz said that this accomplishes two things: (1) transferring additional funds to ballot access and (2) moving toward a \$5 million revenue budget.

Dasbach said that based on current patterns, it seems that we are on track to achieve \$4.9 million in revenues for the year with a goal of \$5 million.

Givot asked whether reducing prospecting would have the effect of reducing other revenues from would-be new members.

Dasbach said that no such revenue was included in the budget he proposed in December, so this would not be a problem.

The motion passed on a voice vote.

Item: General Counsel's Report

Hall introduced a memo which he had prepared regarding the Cisewski matter.

He informed the Committee that this memo could be freely distributed.

He said that the portions of the Cisewski deposition which the Committee has received can also be distributed without restriction.

Dasbach said that copies of these materials or the entire unsealed portion of the deposition will be made available on request.

Item: LP Program

Ruwart reported that a revised proposal for the LP Program is available. She said that Bergland, Winter, and others had worked on the program. Ruwart suggested that this be presented to the new LNC for its consideration.

Bergland said that he took the prior draft and drafted six revised planks. He said that Winter and Dasbach did the remaining two planks. He said the members of the Program Committee assisted.

Bergland agreed that this should be provided to the incoming LNC.

Item: Audit Report

Review tapes??

Item: LNC Policy Manual

Givot said that no formal changes have been made to the LNC Policy Manual since he became Secretary. He said that there are several proposed items for the LNC's consideration. He said that the Executive Committee had discussed how best to proceed. There was consensus that the LNC should consider only non-controversial changes at this meeting.

Givot proposed that he go through the proposed changes and that any which were of concern should simply not be acted on today.

Change #1:

Givot proposed that, in Article I, Section 1 (A), the language

The agenda for each LNC meeting shall be jointly prepared by the Chair and Secretary.

be changed to

The agenda for each LNC meeting shall be prepared by the Chair.

After discussion, there was consensus to change this sentence to read:

The agenda for each LNC meeting shall the responsibility of the Chair.

The change was approved by voice vote without objection.

Change #2:

Givot proposed that, in Article I, Section 1 (C), the language

AUDIO TAPE RECORDINGS: The Director shall be responsible for recording all LNC meetings on audio tape

be changed to

RECORDING OF MEETINGS: The Director shall be responsible for recording all LNC meetings on audio or video tape

The change was approved by voice vote without objection.

Change #3:

Givot proposed that, in Article I, Section 2, a new paragraph B be added with appropriate renumbering of other paragraphs. The new paragraph proposed was:

B. Notification of a mail ballot shall be made by the Secretary by mail or email (if the recipient has provided the Secretary with an email address).

The change was approved by voice vote without objection.

Change #4:

Buttrick said that Article I, Section 5 in the current copy of the Policy Manual did not reflect a change approved at the August 1997 LNC meeting. He said that the word "Pledge" in the penultimate sentence should read "certification."

The change was approved by voice vote without objection.

Change #5:

Bisson proposed that, in Article III, Section 1 (A) (2), the words

and is automatically entitled to delegate status at the National Convention

be removed to be consistent with a recent change to the LP ByLaws.

The change was approved by voice vote without objection.

Change #6:

Givot proposed that, in Article III, Section 2 (A), the sentence

Minutes shall be mailed to all LNC members not more than 30 days after each meeting.

be changed to read

Draft minutes shall be mailed or emailed to all LNC members not more than 30 days after each meeting.

Bisson expressed concern about not being able to distribute draft minutes.

Givot said that he has no objection to such distribution if they are clearly labeled as "Draft Minutes."

Givot proposed additional language: "The Secretary shall provide the National Director with final draft minutes no later than 21 days prior to the next regularly scheduled LNC meeting."

Bisson seconded.

Dasbach said that there is already a requirement that reports must be submitted 18 days before an LNC meeting.

Butler said that there should be nothing to prohibit distribution of draft minutes.

Bisson said that the proposed language now seems redundant.

The additional proposed language failed on a voice vote.

The original proposed change was approved by voice vote without objection.

Change #7:

Givot proposed that, in Article III, Section 2 (C) the word "accounting" be changed to "copy."

The change was approved by voice vote without objection.

Change #8:

Givot proposed that Article III, Section 2 (D) should be replaced with

The Secretary shall assure that LNC members, alternates, and state chairs receive copies of the ByLaws and Platform after each convention.

The change was approved by voice vote without objection.

Change #9:

Givot proposed that, in Article III, Section 2 (E) the first sentence should be replaced with

The Secretary shall assure that LNC agendas, minutes, mail ballots, resolution updates, and other supporting materials be sent without charge to all LNC members, alternates, and committee chairs, as well as to any state chair that requests them.

The change was approved by voice vote without objection.

Change #10:

Bisson proposed that, in Article III, Section 3 (C), the words

and copies of summary pages of Federal Election Commission reports and income tax returns no later than the end of the month during which these reports were filed

be struck from the end of the first sentence.

Dehn and Buttrick asked why the Committee would not want to receive copies of FEC reports.

Dasbach said that the FEC reports are available online.

The change was approved by voice vote without objection.

Change #11:

Givot proposed deletion of Article IV, Section 1 (E) 5, relating to liaison with the Shadow Cabinet and appropriate renumbering relating to that deletion. He said that the Shadow Cabinet no longer exists.

The change was approved by voice vote without objection.

Change #12:

Bisson proposed deletion of Article IV, Section 1 (B) (5) relating to liaison with the LP News Editor. He said it was unnecessary now that LP News is edited internally.

The change was approved by voice vote without objection.

Change #13:

Givot proposed codifying the policy adopted at the March 2000 LNC meeting with the following new paragraph as Article IV, Section 2 (D):

If the Director discovers that a policy of the LNC -- whether contained in this Policy Manual or otherwise -- has been violated, the National Director shall promptly inform the LNC of the violation.

The word "National" was deleted, and the change was approved by voice vote without objection.

Change #14:

Bisson proposed removing the redundant word "Libertarian" from Article IV, Section 3 (B).

The change was approved by voice vote without objection.

Change #15:

Buttrick said that Article V, Section 1 (B) does not reflect changes approved by the LNC at its August 1997 meeting. He said that this paragraph should reference Article IX rather than Article X.

The change was approved by voice vote without objection.

Change #16:

Buttrick said that Article V, Section 4 (B) does not reflect changes approved at by the LNC at its August 1997 meeting. He said that the last sentence should read:

Any person accepting travel expenses must sign an agreement that they will refund the travel reimbursements upon a vote of the LNC.

Bisson moved to substitute dropping the last two sentences of this paragraph instead.

Givot seconded.

The motion to substitute passed on a voice vote.

The change was approved by voice vote without objection.

Change #17:

Givot said that Article VIII, Sections 1, 2, and 3, were the only sections that lacked titles. He said that this made it difficult to reference them in the Table of Contents. He proposed the following titles for the three sections:

- "Qualifications for Party Support:"
- "Limitations on Party Support:"
- "Limitation on LNC liability"

Hall suggested that this article be changed to cover those running for non-partisan offices.

The change was approved by voice vote without objection.

Change #18:

Dehn identified a typographical error in Article VIII, Section 2, and the change was approved by voice vote without objection.

Bisson moved that Article VIII, Section 1 be referred to the new LNC for their consideration regarding party support for candidates in non-partisan races.

Givot seconded.

The motion passed on a voice vote.

The meeting adjourned at 4:51PM PDT.

