

# LNC Meeting

## Chicago, IL

### March 11-12, 2000

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

John Buttrick, At-Large Representative (arrived after lunch)  
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  
Dan Fylstra (NV), Region 2 Alternate  
Ken Bisson (IN), Region 3 Representative  
Elias Israel (MA), Region 6 Representative  
Bob Franke (IL), Region 7 Representative  
Geoff Neale (TX) - Region 8 Representative

Also present: Ed Hoch (AK), Region 1 Alternate  
Barbara Goushaw (MI) - Region 3 Alternate  
Deryl Martin (TN) - Region 8 Alternate

Absent: Terry Savage (NV), Region 2 Representative  
Scott Lieberman (CA), Region 2 Alternate  
Chris Spruyt (NC), Region 4 Representative  
Gary Ilardi (FL), Region 4 Alternate  
Jim Turney (VA) - Region 5 Representative  
Richard Schwarz (PA), Region 5 Alternate  
Ken Lindell (ME) - Region 6 Alternate

Vacant: Region 7 Alternate

Resigned: Muni Savyon (MA), Region 6 Representative

Staff: Steve Dasbach, National Director  
Bill Winter, Director of Communications  
George Getz, Press Secretary

*The meeting was called to order by Bergland at 9:07 AM EST.*

## Item: Announcements

Givot informed the Committee about meal plans for the weekend.

## **Item: Credentials**

Givot said that Savyon has resigned. He said that Israel had been appointed the new Region 6 Representative.

Franke said that Region 7 has not appointed a replacement for former Region 7 Alternate Bradbury who is no longer a member of the party.

Lark expressed his appreciation for Savyon's service on the Committee.

## **Item: Setting Agenda**

At Givot's request, approval of minutes of the December 1999 LNC meeting was postponed to be the first item of business on Sunday March 12.

Tuniewicz suggested that the Committee may wish to discuss the Compensation Committee's report in closed session after it is presented to the Committee. He said that discussion in closed session may foster a more frank discussion because staff would not be present. Bergland said that could be decided at the time it comes up for discussion.

Regional Reports were scheduled in the following order: 3, 2NV, 2CA, 7, 1, 6, 8, 5, 4.

These changes were adopted without objection.

## **Item: Check of Paperwork**

Dasbach said that all paperwork provided to him before the meeting was included in the binders.

Additionally, the Committee received a copy of Dehn's regional report, the draft LP Program, the draft minutes of the December 1999 LNC meeting, and the minutes of the February 2000 Executive Committee meeting.

## **Item: Region 3 Report**

Bisson referred to his written report.

Bisson said that there has been some changeover of state chairs in region.

Bisson said that LPOH Chair Babka had resigned to take a position on the Browne campaign. He said that LPOH Vice-Chair Dena Bruedigam was appointed as the paid director of LPOH.

Bisson said that LPWV did not follow the "letter of the law," and its candidates were excluded from participation in the primary election. He said that the law requires that certain committees place the names of candidates on the ballot. The names were submitted by the state committee and not the required local

committees.

Bisson said he remains optimistic that Region 3 will have 500 candidates this year.

## **Item: Executive Committee Minutes**

Givot reported that the Executive Committee held only one meeting since the December 1999 LNC meeting. He said the minutes of the February 10, 2000 Executive Committee have been distributed to both the Executive Committee and the LNC.

At Dehn's request, consideration of the minutes of the February 10, 2000 Executive Committee meeting was also deferred to the first item of business on Sunday March 12.

## **Item: Region 2NV Report**

Fylstra said that LPNV membership had dropped a bit due to first year non-renewals. He said that he believes this is a short-term phenomenon.

Fylstra said that Jessi Winchester, a former lieutenant governor and, earlier in her life, a legal prostitute in Nevada, is now an LPNV member and will be active in LPNV.

Fylstra said that the Browne candidacy is bringing more current LPNV members "out of the woodwork" -- getting them more involved.

Fylstra said that previously only two counties in NV were organized -- the counties in which Las Vegas and Reno are located. He said that LPNV Chair Savage is working to organize several other counties, creating a focal point for LP activities in more areas.

Fylstra said that LPNV is now focusing on candidate recruitment. He said that the prior target of 100 candidates will likely not be achieved. He said that 50 candidates -- double that of 1998 -- is a more likely result.

Fylstra said that the Assembly District that LPNV is targeting presents a significant opportunity. He said that LP candidate James Dan has already walked the district. He said that it will probably be a two-way race between Dan and a Democrat.

Tuniewicz asked what Aaron Russo is planning to do.

Fylstra said that Russo has not decided what he intends to do. He said that Russo is not certain whether he may run for either Congress or the U. S. Senate. He said that whatever Russo does will probably help LPNV.

Fylstra said that LPNV is holding its nominating convention on April 15, so that Russo's intentions will be known soon.

Crickenberger said that Jerry Russell is consulting for the James Dan campaign. He said that Russell's winning percentage is 75%. He said that Russell conducted a poll and believes the race is winnable.

Fylstra said that the Republicans have a majority in the state senate and a minority in the state house. He said that if Dan is elected, he may end up casting the deciding vote for Speaker of the NV Assembly.

Fylstra said that LPNV continues to mail to registered Libertarians. He said that there has been some concern about diminishing returns, however the latest mailing is getting a 1% positive response rate.

## **Item: Chair's Report -- Goals for 2000**

Bergland said that he has little to report. He said that he views the LNC as a policy-setting board. He said that his role is to act as chairman of that board.

Bergland said that people on various committees of the LNC have taken on various responsibilities and are performing well. He said that his role is to monitor their performance, and he said he has done so.

Bergland said that he would not be seeking reelection as LNC Chair. He said that he wants to create opportunities for new leaders to step forward and grow into leadership positions.

Bergland said that he is glad that Lark is running for Chair.

Dasbach said that he was informed that Gary Copeland of CA has announced his intention to run for LNC Chair.

Bergland said that Fylstra has announced his intention to run for LNC Vice-Chair and that former LNC Secretary Gary Johnson has announced his intention to run for Vice-Chair.

Bisson indicated his willingness to share his experiences as a regional representative with anyone considering running for that position.

Tuniewicz said that the Executive Committee has traditionally met monthly, but did not do so since the last LNC meeting. He asked Bergland whether his intention was to meet monthly in the coming months.

Bergland said that it is his intention for the Executive Committee to meet monthly in the coming months.

Tuniewicz asked Bergland to report on what progress Bergland has made regarding obtaining various Internet domain names.

Bergland said that this would be covered in the National Director's report.

## **Item: Region 2 (CA) Report**

Dehn referred to his written report.

Dehn said that there are LP candidates running for 113 of 153 partisan offices in CA. He said that the prior record is 100 candidates. He said that there are only about a dozen candidates for non-partisan offices, about eight of whom were involved in last week's election. He said that LPCA will need to do a lot more recruiting to meet its goal of 200 candidates in 2000.

Dehn said that there has been no change in CA ballot status. He said that there are two ways to qualify for the ballot in CA: by having enough registrants or by having enough votes in a race for statewide office. He said that 20 years ago this was achieved by a large registration drive. He said that since then attrition had reduced the number of registrants and LPCA had relied on getting enough votes, but as of this year registration was back up to the point that LPCA is now qualified both ways.

Dehn said that this year's CA open primary enabled every voter to vote for any presidential candidate regardless of the voter's party of registration. He said that there was some confusion among voters as to which votes would count in selecting party nominees. He said that the Democrats and Republicans only count the votes of people registered in their own parties for the purpose of determining who wins the primary. He said that, as a result, the state reported the vote totals for each candidate in aggregate -- and also in a second tally showing how many people who had registered for each party had voted for each candidate.

Dehn said that he was startled that more registered Libertarians voted for certain Democratic or Republican candidates than the top vote-getting Libertarian -- Harry Browne -- and that there had been much speculation as to the reason for this.

Dehn said that the LPCA organization is deepening. He said that 98% of the LPCA membership will soon be covered by a formal local organization.

Israel suggested that because Libertarian registrants understand that the Libertarian Party nominee is selected by the delegates on the convention floor, registered Libertarians may have used their votes to influence other nominations.

Dasbach said that it is difficult to vote for someone if one has not seen news coverage of the candidate.

Bergland said that he found it interesting that Kip Lee was the second place Libertarian vote getter.

Lark said that the simplicity of Lee's name may have been a factor. He referred to similar results in the Illinois Democratic Primary election in 1986 in which two supporters of Lyndon LaRouche won the primary for statewide office over two people who were endorsed by the Democratic Party for those offices.

## **Item: Treasurer's Report**

Tuniewicz referred to his written report.

Tuniewicz said that LNC's finances "bounced back strongly" in February 2000. He said that, in part, shifting of expenses between years affected January 2000 financial results.

Tuniewicz said that a procedural error in December had resulted in the double-recording of a deposit. He said that this occurred prior to the December 1999 LNC meeting and led to a year-end projection that was higher than it would have been had the error not occurred.

Tuniewicz said that it is important that to carefully plan the budget for the 2000 convention because it constitutes an exceptional opportunity for the Libertarian Party.

Tuniewicz said that the year-end results presented by the staff have not yet been audited. He said that he expects significant audit adjustments which will result in restating the 1999 year end results so that they are

more favorable.

Butler asked what effect the convention will have on party finances.

Dasbach said that immediately before the convention he expects a significant inflow of cash relating to the convention.

Givot asked Tuniewicz whether he intends to exclude convention-related deposits from cash for the purposes of determining whether the required Reserve Fund balance is being maintained.

Tuniewicz said that he does not plan to exclude convention-related deposits from cash when determining the cash counted toward the Reserve Fund balance.

Dehn suggested establishing a liability to offset convention-related revenues since these funds would soon be spent.

Tuniewicz said that would mix accounting concepts.

Givot said that the pre-payments received for the convention were not yet earned or owned by the LNC and should not be counted toward the Reserve Fund balance.

Fylstra disagreed with Givot, saying that most of the funds received by LNC are already committed to pay some expense but are still counted toward the Reserve Fund balance.

Franke said that the discussion was making much ado about a small issue that would be resolved in three months.

Tuniewicz agreed.

## **Item: Region 7 Report**

Franke said that he had received no response from LPND, LPSD, LPNE, LPKS, or LPIA. He said that he knows that they are "alive" only because he reads about them in LP News.

Franke said that he had received criticism about the Browne "non-campaign."

Franke said that LPMO has grown its monthly pledge from \$75 a month to \$400 a month. He said that LPMO's goal is \$3000 a month. He said that LPMO intends to run candidates for all statewide offices, all congressional offices, and several other offices.

Franke said that LPIL's convention will be held on the weekend of March 17-19. He said that there are two parallel tracks for attendees: one for activist training, the other on policy issues. He said that the policy issue track is being organized by the Heartland Institute.

Franke said that LPMN had sent him a detailed list of all past activities as well as all planned activities through July 2000.

Crickenberger provided the Committee an update on some activities in WI, SD, and NE.

## Item: National Director's Report

Dasbach referred to his written report.

He said that he rejected the first convention budget presented by the convention contractor. A revised project is being developed. He said that the convention budget is the missing piece to develop monthly budgets for the year.

Dasbach said that revenues and expenses are being tracked versus 1996. Based on that tracking, revenues are on track to reach \$5 million. He said that expenses are significantly behind the corresponding tracking figure for 1996.

Dasbach said that the budget calls for three additional "full time equivalent" employees during the year. He said that John Buckley has been hired as Deputy Political Director. He said that Buckley -- a former state legislator who also holds a law degree -- is well qualified for the position. He said that Buckley will free up staff resources for development work as well as Buckley being able to contribute to those efforts himself. He said that Buckley has also done event planning for the American Enterprise Institute.

Dasbach said that the backlog from the prospecting portion of the Annual Report is being worked on. He said that, as a result, membership numbers are improving.

Dasbach said that losses from the pledge processing problem that developed in January total about \$3,000.

Dasbach said that problems with database downloads to state affiliates are being addressed by Dunbar and Gallagher.

Dasbach said that the Annual Report brought in a single contribution of \$20,000 which, he believes, is the largest single contribution resulting from direct mail in the party's history.

Dasbach reported on his contacts with other parties other than the Democrats and Republicans about a third party candidate debates. He said that the group hopes to be holding a news conference in April to announce that such a debate will take place and a second news conference shortly thereafter to announce the date and location of the debate.

Dasbach reported on the web site development project. He said that a demonstration of the current development would be presented by Fylstra later in the meeting.

Dasbach said that an agreement was offered by Jack Dean regarding transfer of certain Internet domain names to the LNC (libertarianparty.com, libertarianparty.net, and libertarianparty.org), but that the agreement was not acceptable to the party. He said that Dean's proposal included the right for Dean's firm to sell email addresses and web sites at one of the domains. He said that subsequently Hall drafted an agreement which would accomplish the party's goals.

Tuniewicz asked whether it would be appropriate for the LNC to first discuss whether the Libertarian Party was willing to entertain a proposal which would not result in the LNC retaining control of all three domain names currently held by Dean's business.

Givot agreed with Tuniewicz that the baseline discussion should be whether the LNC is open to considering

any proposal in which it does not retain ownership of all three domain names.

Lark inquired about the ballot access situation in NM.

Dasbach said that this issue will be discussed under the Political Director's Report.

Lark asked Dasbach whether he is aware of any national organizations that would be willing to join with the Commission on Fair Elections in announcing the third-party president debate.

Dehn asked Dasbach about his statistical tabulation regarding the Annual Report. He said that it appears that there is a significant shortfall in the prospecting responses thus far.

Dasbach said that while other portions of the mailing were dropped on January 4 and January 6, the prospecting portion was dropped January 19, so that replies to the prospecting portion would be expected to lag those from the prior to mail drops. He said that there is also a significant backlog of responses that is awaiting processing at LPHQ. He said that the backlog is being worked through at LPHQ now. He said that until all of that backlog is processed, he will not have complete figures.

Dehn said that he is particularly concerned about the responses from registered Libertarians.

Givot expressed concern that the procedural error in December, in which a duplicate entry in the accounting system overstated bank balances, resulted in a significant portion of the Reserve Fund being spent. He noted that this was a clear, though inadvertent violation of LNC policy. He said that he was disturbed that staff did not explicitly notify the LNC of the violation once it was discovered. He said that until the year end financial balances were published, LNC members did not have sufficient information to know that the violation took place.

Dasbach said that he thought it was obvious that this had happened, so he did not report it explicitly.

Givot said that it was not obvious to him from the materials which he received.

Bergland asked Givot if he had a specific proposal to make to address his concern.

Givot moved that "It shall be the policy of the LNC that if the National Director discovers that a policy of the LNC has been violated, the National Director shall promptly inform the LNC of the violation."

Lark seconded.

Dehn said that one issue is what is obvious to the National Director is not necessarily obvious to at least some members of the Executive Committee. He said that another issue is that the reports which would have made it obvious had not been distributed on a regular basis for some time.

Dehn said that one solution is to rely on the reports to provide the information periodically. He said another reasonable approach is to require the National Director to report problems if the National Director discovers them.

The motion passed on a vote of 7 to 5.

Dasbach informed the Committee that he is aware of several LNC policies that the LNC is presently



violating.

Givot asked Dasbach to prepare an enumeration of those policies so that the LNC can address the deficiencies.

Dehn said that although he voted in favor of the new policy, it was not his intention to make the National Director solely responsible for such discovery and reporting.

Bergland said that his interpretation of this newly adopted policy is that the National Director is not required to search for possible policy violations, but rather to report such violations if he comes across them in the ordinary course of his business.

Givot confirmed that this was the intention of his motion.

Israel asked Dasbach what interest has been shown in media coverage of the third-party debates.

Dasbach said that there is a reasonable chance to attract coverage from C-SPAN and one or more cable networks such as Fox News or CNBC.

Tuniewicz referred the Committee to the ByLaws, Article 12: Finance and Accounting. He said this article proscribes borrowing more than \$2,000 without LNC approval. He said that "current operating debt for trade payables" is excluded from this requirement.

Dasbach said that he understands that this refers to trade payables where the debt is either within the normal date due or debt which will be paid later if by mutual agreement with the vendor.

Tuniewicz said that he understands that this refers to payables that are beyond the normal date that they are due. He said that the difference between his understanding and Dasbach's relates to whether trade payables whose due date has been extended by mutual agreement should be treated as trade payables as opposed to borrowings.

Tuniewicz said that he is concerned that in a tight money situation, the staff might negotiate payment extension and build up significant obligations which some might see as debt.

Dehn said that in some cases, vendor debt takes on the characteristics of a loan. He said that one example was a deal made with National Voter Outreach to defer payment of certain ballot access expenses which had to be approved by the LNC by mail ballot.

Dasbach said that the National Voter Outreach situation was one in which the LNC had funds available to pay the obligation, but the vendor did not wish prompt payment.

Givot described LPIL's experience in 1998. He said that LPIL carried two large obligations related to the ballot challenge -- one payable to its attorney, the other payable to Givot who had paid for numerous costs subject to later reimbursement. He said that these obligations were on LPIL's books for about eight months. He said that while the obligation from LPIL to himself could be characterized as either a vendor payable (with himself as a "vendor") or as a loan. He said that such situations are sometimes ambiguous. He said that one possible solution is to report payables aged beyond a given point.

Dasbach said that this information is already being given to the Treasurer on a regular basis.

Tuniewicz said that his intention to report such matters to the LNC as they develop.

Fylstra presented a demonstration of the LP web site development project. He said that the project is proceeding well, but not yet ready to deploy. He described some of the work that needs to be done to complete the project.

Fylstra said that he believes the third week in April is a reasonable time frame to expect the site to be launched.

*The Committee recessed for lunch at 12:25 PM CST.*

*The Committee reconvened at 2:26 PM CST.*

## **Item: Region 1 Report**

Smith said that she has had little contact with the states in her region since the December 1999 meeting.

She said that LPWA has been very active and is doing good things. She said that LPWA has hired a full time director. She said that LPWA sends notices every two to four weeks keeping LPWA members up to date on activities.

Hoch said that LPAK has achieved ballot status and has over 7,000 registered Libertarians out of a population of just over 600,000 people. He said that several state candidates will be running. He said that Crickenberger is in touch with several elected Republicans about switching parties.

Crickenberger said that Don Gorman may be traveling to AK to talk to legislators who are considering switching parties.

Smith said that LPCO and LPUT face similar problems. She said that county clerks do not understand recently passed election laws and, as a result, have made adverse rulings. She described problems with certification of election judges in CO.

Crickenberger said that he is working with LPMT on a variety of things including candidate recruitment.

## **Item: Compensation Committee Report**

Bergland suggested that the Committee discuss the report of the Compensation Committee in executive session.

Givot said that since no evaluation of specific members of staff would be entailed, it would be best to discuss the topic in open session so that the discussion would be on the record.

Dasbach suggested that discussion could take place without staff members present.

Bergland ruled that the report would be presented in open session and that the Committee might go into executive session during the discussion if the need arose. He asked Compensation Committee Chair Fylstra to report its recommendation.

Fylstra said that Butler, Dehn, Givot, and Tuniewicz were members of the Committee.

Fylstra said that the LNC took a very positive step forward in adopting concrete, measurable goals. He said that the next step would be to adopt a bonus plan that sends the staff two messages: we meant it when we adopted these goals, and we are putting money behind achieving these goals.

Fylstra said that the proposed plan strongly reflects the goals adopted by the LNC and puts clear, strong emphasis on the four core goals. He said that it is possible for the staff to earn a bonus, but that it will not be easy. He said that the discussion that took place in developing the bonus plan was very instructive to the members of the Compensation Committee.

Fylstra described the plan in considerable detail.

Fylstra reminded the Committee that he solicited advance copies of any proposed amendments so that the Compensation Committee would have an opportunity to evaluate the effect of that amendment. He said that the only amendment that was received proposed paying staff a bonus for achieving less than 50-state-plus-DC ballot access. He said that the amendment was subsequently withdrawn.

Fylstra said that the largest possible bonus under the plan would be \$112,000. He said that, in fact, this was now unattainable because maximum levels such as running candidates for all 435 House seats could not be fully met. He said that a more realistic "high bonus" outcome would be Scenario F presented in the written report. He said that this would result in paying a bonus of \$10,400 to the National Director as well as \$48,500 to other staff.

Fylstra moved adoption of the bonus plan as presented by the Compensation Committee.

Givot seconded.

Lark congratulated the Compensation Committee for the quality of its recommendation. He said that he would have preferred to see this in the context of the overall compensation program for the staff. He said that he is not at all sure as to whether there should be a bonus plan. He said that he would feel more comfortable if there were first a discussion of the level of compensation that currently exists.

Fylstra said that the initial vote within the Compensation Committee as to whether or not there should be a bonus was not unanimous. He said that now there is unanimous support for the proposal before the LNC.

Neale said that members in his region have expressed no objection to establishing a bonus plan which is tied to achieving goals. He said that the 218 congressional candidate and 50-state-plus-DC ballot access goals are not under the control of staff. He said that reward should not go to people who do not create the success or to punish those who are not responsible for failure.

Dehn said that while the staff is not responsible for achieving ballot access in every state, the staff has taken on the job of achieving ballot access in those states where there is a need for assistance.

Dasbach said that it is the task of the national office to make sure that there are no ballot access problems in any state.

Givot said that he raised the same issue regarding the 218 congressional candidate goal at the December 1999 LNC meeting. He said that staff's response was to his concern was that they can "influence" but not "control"

the outcome.

Butler said that using the terms "reward" and "punish" will lead the Committee astray. He said that the concern should be backing up the LNC's adopted goals with a potentially large amount of money to demonstrate that the LNC is serious about the importance of those goals.

Franke said that in his work, he has learned that compensation does not direct people's work, but it does focus it. He said that rather than working to change and perfect the proposal, it would be best to put it in place and see how it operates.

Tuniewicz asked the staff members to present their view on the proposal.

Dasbach said that he has little to add to the discussion. He said that the Compensation Committee has addressed the concern he previously expressed that completely excluding non-core goals from the bonus plan would send the message that they were not important.

Crickenberger said that the plan probably would not change his behavior. He said that he was not sure why achieving 50-state-plus-DC ballot access is not rewarded by the plan.

Winter said that it seems fine to him. He said that it will probably not affect how hard he works, but it may help him to focus on goals at times.

Smith said that her sister works at a firm that pays a bonus plan which is based on a measurable goal that staff largely does not control.

Tuniewicz said that this is a one year plan only. He said that it does not constitute an entitlement beyond 2000.

The motion passed with one abstention and no opposition.

## **Item: Report of General Counsel**

Bergland called the Committee into Executive Session for the purpose of discussion pending and potential litigation.

*The Committee went into Executive Session at 3:13 PM CST.*

*The Committee returned to Open Session at 5:25 PM CST.*

*The Committee recessed until 8:00 AM CST March 12.*

*The Committee reconvened at 8:10 AM CST.*

## **Item: Domain Name Issues**

Tuniewicz asked the Committee to consider whether it has interest in licensing the use of the party's name to Web Commanders.

Bergland said that it was his sense that the Committee does not wish to license its name to Web Commanders. He asked the Committee whether there was agreement.

No one expressed disagreement.

Dasbach asked whether there was a desire to own domain names including "thelibertarianparty" as well.

Butler said that the key is to oppose anyone else's use of our name.

Dasbach said that in the case of "libertarianparty" domain names, the party not only wants to prohibit the use of its name by others, it also wishes to use that domain name.

Neale said that the Committee should limit its current discussion to matters relating to the "libertarianparty" name.

Bergland suggested that the Committee narrow the discussion to that issue.

There was consensus to do so.

Givot asked Hall for an update on the party's filing to trademark the name "Libertarian Party."

Hall said that the application was on file and was proceeding.

Smith related the experience of the Denver Broncos. She said that the team lost a trademark infringement battle involving the use of the term "Orange Crush."

Committee members suggested ideas that might prove helpful in negotiating with Web Commanders.

Givot suggested that Bergland be directed to negotiate to achieve the LNC's goals.

Buttrick asked Bergland whether his personal relationship with Jack Dean would be a positive or negative factor in having Bergland negotiate on behalf of the LNC.

Bergland said that he believes it will be a positive factor.

There was consensus that Bergland negotiate with Web Commanders to achieve the LNC's objectives.

## **Item: Region 6 (MA) Report**

Israel advised the Committee of the merger between LPMA and LAMA. He asked the Committee to inform him if any of the details of the merger would jeopardize the affiliate party status of LPMA.

Tuniewicz suggested that Israel request a reaffirmation of LPMA's affiliate party status from the LNC at its June 2000 meeting to avoid any such issues.

## **Item: Approval of Minutes**

The minutes of the December 1999 LNC meeting were approved subject to correction of minor errors.

The Committee members will have until March 17 to submit proposed changes.

## **Item: LP Program**

Dehn said that there have been no formal amendments to the LP Program since 1995. He said that it is very old in terms of covering the issues that our candidates want to talk about and in terms of what is currently going on politically.

Dehn reminded the Committee that one of the goals is to make it something that our candidates would want to use.

Dehn said that the Committee began by reviewing past LP Programs. He said that, for the first time, the Committee also surveyed about 90 congressional candidates to ask them what issues they intend to feature. He said that about 45 candidates responded. He said that he believes that because a sufficiently high number of the issues highlighted by the candidates was chosen for inclusion in the proposed LP Program, the proposed LP Program will be useful to candidates.

Dehn said that there are many different ways to organize the same issues. He said that the proposed Program covers all of the issues that were highlighted by more than a handful of those surveyed. He said that the names of the planks, their organization within the Program, and the wording and tone of the Program was set to appeal to a variety of voters.

Dehn said that he believes that the Program, perhaps slightly revised, should be adopted now and possibly revised in the coming months. He said that the Program should be a "living document."

Neale said that there are some editorial changes that he believes should be made. He asked what the appropriate procedure should be to achieve these.

Dehn said that because LNC approval is required to adopt the Program. He said that if people have a problem with the substance of the Program, it should be amended. If the proposed changes are editorial in nature, the Program should be adopted and amended later.

Neale said that some cases it is important to "roll it out and fix it later." He said that other things, including published documents, need to be perfected before approved for publication.

Ruwart suggested that the Program could be approved "in principle" with a defined window of opportunity for LNC members to suggest changes to be incorporated by the Program Committee before final approval.

Dasbach said that the Committee should not consider the impact on the staff bonus plan of failing to approve this

Givot said that the language defining the Program was drafted by him and approved by the LP national convention in Phoenix in 1985. He said that the intention of the Program was to be an external document to present issues already of concern to a broad spectrum of voters in a manner that we could attract their support. He said that the current draft falls short of that mark. He said that the topics, titles, and tone are not consistent with an external focus that would attract support from non-Libertarians.

Bergland said that the Program Committee was operating on a 600 word limit for each plank. He said that some people have said that the current draft is too wordy.

Givot said that he is less worried about the draft being wordy than he is worried about it being heady. He said that it lacks emotional appeal.

Buttrick said that if the Program is to be used by federal candidates in their campaigns, it should include a plank on health care.

Tuniewicz agreed with Ruwart. He said that the Program should be adopted provisionally and perfected before next LNC meeting.

Ruwart said that she appreciates Givot's comments. She said that if the Program Committee is to go back to the drawing board, specific feedback is needed before that process begins. She said that it is her sense that a deadline should be set to submit specific feedback and comments. She said such a process would enable the Program Committee to address specific requests.

Ruwart moved that the LNC accepts the draft LP Program in principle, that feedback be provided to the Program Committee until April 7, and that the Program Committee shall revise the draft Program and present it for final adoption.

Tuniewicz seconded.

Dehn expressed concern about how this process will work. He said that the comments have ranged from "it's basically alright" to "the issues and sales orientation are wrong." He said that this range is difficult to accommodate with the process of accepting feedback and rewriting some of the document. He said that this is not the sort of thing that 18 people can resolve by a vote. He said that if votes to adopt planks are going to be based on issues of style and grammar, then he does not see how a new Program will be adopted. Dehn suggested that if people feel an all new approach is required, that others volunteer to draft a new version. He said that it is not reasonable to expect the current committee to do that.

Neale agreed with Dehn. He said that the current draft is what he wants to adopt with only stylistic changes. He said that this is pretty close to a pretty good document.

Bergland agreed with Neale. He said that the Program Committee did not have enough time to make a "shorter, dumber document."

Butler noted that Winter is one of the "greatest communicators" in the LP. He noted that no one apparently asked for his input in the drafting of the document. He said that he supports Ruwart's motion. Butler asked what would happen if, in parallel with the Program Committee rewrite, Winter drafts an alternative Program. Butler asked what staff intends to do if the program is approved.

Dasbach said that if the motion passes, the new LP Program would appear on web site. He said he would not send to print because of the ongoing revision cycle. He said that after an April revision, consideration would be given to going to print.

Franke said that there needs to be more focus on the "headlines" rather than the body of text.

Dehn asked Dasbach when he would most like want to go to print.

Dasbach said that the earliest time would be after the proposed April revision and the latest time would be after the convention.

Dehn moved to substitute that the LNC adopts the proposed LP Program, directs the Program Committee to accept feedback until April 7, and directs the Program Committee to propose a revised document by April 30 for consideration prior to the June 2000 LNC meeting.

Butler seconded.

Neale said that he would rather take additional time to perfect the document than rush to approve it.

The motion to substitute passed.

Givot said that first the LNC must decide which topics are to be included before considering approval.

Dixon asked Winter whether the LNC's action today will have any affect on his ability to continue to do his work. He suggested bringing Winter into the process.

Winter said that the LNC's action on the proposed LP Program would not affect his daily work.

Ruwart said that she is open to input on major issues such as which issues are covered as well as editorial issues.

Fylstra said that prior to Ruwart's motion, he probably would have voted to retain the old Program rather than adopt the new one as is.

The vote failed 8 to 7. (The ByLaws require a 2/3 majority to change the LP Program.)

Tuniewicz suggested that the Program Committee follows the Ruwart path and brings forth a recommendation as soon as practical.

Bisson moved that feedback be provided to the Program Committee until April 7 and that the Program Committee shall revise the draft Program and present it for final adoption. He referred to his proposal as Ruwart's motion without adoption of the program today.

Givot seconded.

Dehn said that it is not clear to him that this approach will work because the Program Committee does not yet understand what sorts of changes would be desired to achieve approval.

Dasbach said that the LNC and staff should be copied on all feedback by those giving feedback.

The motion carried unanimously.

## **Item: Political Director's Report**

Crickenberger said that he has been working on convention speakers. He said that he is hoping to get Penn and Teller to perform.



Crickenberger said that John Buckley has been hired as Deputy Political Director. He said that Buckley has many talents to offer to the LNC.

Crickenberger said that the LP is in danger of losing its only current state representative, Neil Randall. He said that a version of the Defense of Marriage Act (DOMA) was enacted in VT. He said that the courts struck it down, and directed the state legislature to reverse it. He said that Randall has joined others in moving for impeachment of judges who ordered it unconstitutional and ordered the legislature to reverse it. He said that what Randall is opposing is the court's judicial activism. This led to a criticism of Randall from LPVT. He said that Randall has resigned from the LPVT, but not from the national party.

Fylstra asked whether Randall supported the original legislation.

Crickenberger said that he does not know. He said that Randall got a 98% Libertarian rating with the next highest rating for a VT legislator being in the 70% range. He said that he believes that the 2% non-Libertarian component is related to the DOMA issue.

Crickenberger updated the Committee on the number of candidates the LP will likely have in 2000. He said that LPCA will have record number of candidates this year, but will fall short of its goal. He said that LPNC will also have a significant shortfall of its goal as a result of its major party status which results in significant candidate filing fees. Crickenberger said that LPTX and LPOH are the big success stories this year. He said that there are about 109 candidates in TX this year. He said that there are 73 candidates in OH.

Crickenberger said that several candidates in OH reported problems voting Libertarian.

Crickenberger reported that Project Majority -- having at least 218 congressional candidates -- is proceeding well.

Crickenberger said that he would like to run one candidate for congress in every state. He said that his may happen in every state except GA. He said that GA has the worst congressional ballot access requirements in the country.

Crickenberger said that presidential ballot access has been achieved in 32 states thus far.

He said that AL should be complete in the next week or so.

He said that OK is going slowly as usual.

He said that the NM registration drive is "a mess." He said that one of his most reliable petitioners left after one day, saying that he could not do registrations successfully. He said that some of his most experienced registration producers have been working there. He said that one county clerk felt that there were certain irregularities in the registration process. He said that the head of the elections board has advised Crickenberger that there are dozens if not hundreds of forged social security numbers on the registration forms. He described the situation and what would likely be done to resolve it.

Crickenberger said that the SD deadline is getting "tight," but he expected to finish up one or two weeks before the deadline.

Crickenberger said that AR is proceeding well.

Neale said that the AR Secretary of State has certified that the party's presidential candidate will be on the ballot this year.

Crickenberger and Dasbach updated the Committee on legal issues in AR relating to getting other candidates on the ballot.

Tuniewicz said that he has calculated that the average cost of remaining signatures to be gathered -- based on Crickenberger's figures -- is about \$1.07 after excluding certain extreme estimates. He asked whether a higher estimate should be used.

Crickenberger said that he is using numbers that he believes that he can achieve.

Smith asked Crickenberger whether he will be counting congressional candidates from CO prior to submission of the official paperwork after the convention.

Crickenberger said announce candidates who face no barrier to being on the ballot are included in his total number of candidates, but until they are certified as being on the ballot, they are not counted in the total number on the ballot.

Crickenberger encouraged people to get the paperwork filed as soon as possible.

*The Committee recessed at 10:26 AM CST.*

*The Committee reconvened at 10:58 AM CST.*

## **Item: Communication's Director Report**

Winter said that this year the party is averaging 128.5 media contacts per month as compared with the goal of an average of 130 media contacts per month.

He said that the party has entered into a contract with Newman Communications to kick start the process of getting the Libertarian Party on national television. He said that based on past experience, the party would expect three to six television appearances in a typical year. He said that in an election year, this would normally increase to six to twelve appearances. He said that this year's goal is 24 television appearances by the party. He said that the intention in hiring Newman Communications is to get the party's foot in the door and to build on that foothold so that the party can get itself on the air in the future.

Winter said that the issue being pursued to get the party on television is the census." He said that journalists have an obligation to cover all sides of an issue. He said the that Libertarian Party is the only organization on the "other side" of the census issue.

Winter said that the contract with Newman Communications includes television training for party staff.

Dasbach said that the specific goal of the contract is 15 appearances on national television, major market television, syndicated radio, and major market radio. He said that the cost of the portion of the contract to get the party on television is \$3,500 over six weeks. He said that the media training portion will involve four staff members attending six hours of television training and one hour of radio training. He said that the cost of the media training portion of the contract is an additional \$1,800.

Fylstra said that he would be interested in paying to participate in the media training.

Smith said that in CO a member did similar training and that might be offered to those willing to fly to CO.

Winter introduced the topic of a complaint by member Jim Davies that had been received by the LNC. He opened the floor to questions and discussions regarding the complaint.

Tuniewicz recused himself from the discussion, noting that he had previously interviewed for a position at a related firm.

Winter said that he is comfortable that the information presented was both fair and accurate.

Lark said that he believes that any factually inaccurate statement should be corrected.

Bergland said that from his standpoint as CEO of LNC, Inc. that we should be very sensitive to what we do and how we do it. He said that it is probably not a good idea for the Committee to review specific complaints coming in about the content and editing of party publications such as LP News or The Libertarian Activist.

Givot said that as a matter of policy, he believes that letters from individuals about another individual's business or association with the LP are probably best handled privately and not in a formal publication of the party.

Winter and Dasbach said that the topic was addressed in a publication only because the LP received many letters regarding the same individual and same business. Winter said that this is the only time such a topic has been covered in a party publication that is sent to many members.

Butler said that as the party grows, some will attempt to tag onto the party as a means to promote themselves or their businesses. He said that we should do what we can to discourage this. He asked that, if the party wished to discredit someone's claim of association with the party, would the party have a liability if it published something that discredits the claim.

Winter said that the article was carefully written not to state the opinion of the party on the matter, but rather to quote the opinions of others.

Bergland said that there is no legal problem with denying that a claimed relationship exists if that relationship does not exist. He said that it is another matter as to whether formal publication should be used to do so.

Dehn said that the article goes far beyond discrediting the claim of association with the party. He said that the article goes on to comment on the business itself and its claim of success in addition to denying association.

Israel asked if Jim Davies is a current member of the LP and whether he is an official of the business which was mentioned in the article.

Dasbach said that Davies is involved with the business in question. He said that Davies has resigned from his state party. He said that he is not aware if Davies is a member of the national party.

Bisson said that he had corresponded with Davies. He said that it is his understanding that Davies is a member of the national party.

Lark said that he also responded to Davies, saying that he does not have enough information on the subject to respond authoritatively. He said that as a matter of policy he is concerned whenever there is a material misstatement of fact appears in any publication of the party. He said that if there is such a misstatement, it should be addressed.

Neale said that whenever something inaccurate is published, it should be corrected in the same publication.

Winter indicated that factual errors, once brought to his attention, are corrected in the next available issue of the same publication.

Buttrick said that it is very common for there to be pre-publication libel reviews. He said that when something like this is being written, it may be prudent to have general counsel review it prior to publication.

Bisson said that he not aware of any factual error in the publication.

Winter said that he is satisfied that there was a factual error and that he would publish a correction of that error.

Winter reported that the party had just published the largest issue of LP News -- 36 pages.

Winter informed the Committee about an op-ed piece published by Jacob Hornberger under the Future of Freedom Foundation (FFF) banner which accuses the party and certain officials of corruption. He said that he believes that Hornberger may attempt to publish such criticism in LP News as a paid ad. Winter asked for feedback on whether such an ad should be accepted for publication in LP News.

Givot said such an ad should not be accepted.

Neale said that it should not be accepted as an ad. He said that if it is submitted, it should be submitted as a letter to the editor or an op-ed piece.

Fylstra asked how past ads purchased by FFF differ from what Winter expects will be submitted.

Winter said that past submissions dealt with public policy matters. He said that the anticipated ad would deal with internal party matters and may contain factually inaccurate statements about past or current party members. He said that publishing such an ad would not contribute to the promotion of the party which is one goal of LP News.

Dasbach said that the Policy Manual addresses this issue as it relates to articles: "Personal attacks on persons and institutions within the libertarian movement are to be avoided." He said that there was no similar language relating to advertising.

Winter said that LP News has been an open forum for criticism of policy and strategy, but not for personal attacks.

Bergland asked whether Winter found anything in Hornberger's emailed piece to be defamatory.

Winter said that as a non-attorney he has no opinion to offer on that subject.

Bergland said that, in his opinion, the Hornberger piece is defamatory. He said that publishing something

defamatory exposes the party to liability.

Lark said that he would hate to see a situation in which a party member is willing to pay for space in LP News to publish what the member sees as statements of fact only to be denied the opportunity to pay to publish it.

Neale said he would just reject it. He said that it is the LP's duty to defend the position of the party against attack.

Buttrick disagreed that it should be rejected simply because it is an attack on the party. He said that he is concerned about the defamation issue.

Dasbach said that it is attacks on individuals in LP News articles which are proscribed by the Policy Manual.

(Dehn held up a copy of the Libertarian Volunteer article which was the subject of the Davies complaint.)

Franke asked if the Committee would agree that discussion of this topic be taken off the record.

Bergland ruled that the discussion on this topic had been in Executive session.

Dehn objected.

Givot objected.

Tuniewicz objected.

Bergland suggested that perhaps the discussion might not be reflected in the minutes.

Givot noted that the proceeding were being taped.

Bergland withdrew his prior ruling and the discussion continued in open session.

Bergland suggested that the existing editorial policy deals with this matter. He said that if Hornberger were to ask to publish the emailed piece in LP News, he would direct Winter not to accept the ad.

Dixon disclosed that he is a contributor to FFF and a personal friend of Hornberger. He said that the allegations go back many years and changes have been made to address the concerns expressed in the emailed piece. He suggested that the subject might be covered as a news story describing past practices and identifying changes that have been made which have addressed them.

Dehn said that the existing policy relates only to articles, not to advertising content.

Dasbach said that the policy regarding acceptance of advertising states that if an ad is rejected, a copy must be provided to the LNC.

Bergland said that he believes that acceptance of the anticipated ad from Hornberger would violate existing policy, as that policy covers all contents of LP News, and that he would direct the editor not to accept the ad.

Martin expressed concern regarding reaction to rejection of the ad.

Dasbach said that in conjunction with the upcoming convention, as a matter of policy, any member can request the name and addresses of all delegates. He said that as a matter of practice, the names and addresses of delegates to prior conventions have also been provided. He said that this would provide Hornberger an alternative means to distribute his writings.

Tuniewicz suggested that Bergland should recuse himself from this matter because Hornberger's writing accuses Bergland of certain improprieties.

Givot said that he agreed with Tuniewicz.

Bergland said that if the issue arises, he will decide at that time whether to recuse himself.

## **Item: Convention Committee Appointments**

Bergland opened nominations for two open positions on the ByLaws Committee.

Neale nominated Robert "Rock" Howard.

Givot nominated Dean Ahmad.

The Committee voted to fill the two positions with the nominees.

Lark nominated Ken Prazak as an alternate.

The Committee voted to appoint Mr. Prazak as an alternate.

Bergland opened nominations for five positions on the Credentials Committee.

Neale nominated Gary Johnson (TX).

Dehn nominated Ed Moss (CA).

Bisson nominated Emily Salvette (MI).

Bisson nominated Dave Nagy (MI).

Bisson nominated Sarah Cotham (IN).

The Committee appointed these five individuals to the Credentials Committee.

Neale (TX) nominated himself as the lowest ranked alternate.

Franke (FL) nominated himself as the second lowest ranked alternate.

The Committee appointed these two individuals as ranked alternates.

Dehn nominated Johnson as interim Chair.

The Committee appointed Johnson as interim Chair.

Bergland opened nominations for Platform Committee.

Fylstra nominated Alice Lillie (NV) as the third ranked alternate (making Bruce Baechler the fourth ranked alternate).

The Committee voted to appoint Lillie.

## **Item: Future Meeting Dates and Times**

Butler suggested a starting time in Anaheim at 1:00 PM PDT Thursday June 29.

Givot asked whether it was likely that there would be a sufficient agenda that the meeting should be started earlier.

After brief discussion, consensus was reached to meet at that time.

Tuniewicz said that there is a need to hold an LNC meeting between the post-convention LNC meeting and the December 2000 meeting for a variety of reasons, including preliminary goal setting for 2001.

After some discussion, consensus was reached to suggest such a meeting to the new LNC which will be elected at the national convention in Anaheim.

## **Item: 2002 and 2004 Convention Sites**

Dasbach said that five national conventions have been held in the East, four in the West, one in the Midwest. He said that absent other direction from the LNC, he would plan to hold the next two conventions in the South and the Midwest.

Smith asked how the location would impact C-SPAN coverage.

Dasbach said that C-SPAN only covered four speeches when the 1998 convention was held in Washington, DC. He said that the choice of location might not make that big a difference to the amount of coverage that C-SPAN provides.

Dasbach said that the site selection for 2002 would need to be done right after the 2000 convention. He said that the selection for 2002 will provide some direction for 2004.

## **Item: Region 8 Report**

Neale said that TX ballot status retention requires either 2% for governor or 5% for another statewide office. He said that the Democrats are not running candidates in six of nine statewide races. He said that five Libertarians are running in two-way statewide races, virtually assuring ballot access through 2002.

Neale said that LPMS is still in the same situation it has been. He said that he received no response from LPLA or LPOK.

Lark said that LPMS is having a convention on April 1 in Jackson and that should jump start that affiliate.

## Item: Other Business

The Committee voted unanimously to adjourn at 12:58 PM CST.

