

# LNC Meeting

## Teleconference

### November 30, 1999

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

John Buttrick, 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  
Terry Savage (NV), Region 2 Representative  
Ken Bisson (IN), Region 3 Representative  
Chris Spruyt (NC), Region 4 Representative  
Richard Schwarz (PA), Region 5 Alternate  
Ken Lindell (ME) - Region 6 Alternate  
Bob Franke (IL), Region 7 Representative  
Deryl Martin (TN) - Region 8 Alternate

Also present: Scott Lieberman (CA), Region 2 Alternate  
Dan Fylstra (NV), Region 2 Alternate

Absent: Mike Dixon, At-Large Representative

Ed Hoch (AS), Region 1 Alternate  
Barbara Goushaw (MI) - Region 3 Alternate  
Gary Ilardi (FL), Region 4 Alternate  
Jim Turney (VA) - Region 5 Representative  
Muni Savyon (MA), Region 6 Representative  
Jackie Bradbury (MO), Region 7 Alternate  
Geoff Neale (TX) - Region 8 Representative

Vacant: None

Staff: Steve Dasbach, National Director

Guests: Peter Schmerl, Chair, ALP Inc.  
John Zajac, Secretary, ALP Inc.

The meeting was called to order by David Bergland at 9:03 PM EST.

## Item: Attendance and Procedures

Givot called the roll and requested that each member identify himself or herself when speaking each time to facilitate accurate minutes.

## Item: Consideration of Applications for an AZ Affiliate

*{Secretary's Note: Applications were received from two groups: ALP and ALP Inc. Because of the similarity of their names, in the discussion, these were sometimes referred to as Application #1 and Application #2, respectively. To promote clarity in these minutes, these will be referred to as ALP(#1) and ALP Inc(#2).}*

Bergland introduced the topic by saying that the issue was which of two applications for an AZ affiliate to accept.

Savage moved to accept the application of ALP Inc(#2) and designate ALP Inc(#2) as the Libertarian Party's AZ affiliate.

Martin seconded.

Savage said that the preference poll conducted by the LNC showed a clear preference which the LNC should respect.

Martin said that he was concerned that the ALP(#1) application was not typed.

Buttrick said that he had little to add to what he said at the August 1999 LNC meeting. He said that we now have the results of the poll ordered by the LNC. He said that in the pending litigation in AZ, the judge has requested a motion which would enable him to decide the issue of which group the state recognizes as the Libertarian Party in AZ. He also commented on the campaign waged by various mailings.

Buttrick suggested the possibility of not naming either group as the Libertarian Party affiliate in AZ. He said that the materials in the mail campaign were "extraordinary." He said that they were sent to many people who were not familiar with the history of "mudslinging." He said that he believes that the mail campaign did not help such people decide which group should be the Libertarian Party affiliate in AZ.

Savage said that he had received copies of some mailings.

Dasbach asked whether Savage had received mailings from both applicants.

Buttrick said that nine mailings were made by both sides. He said that the court may decide which group is the Libertarian Party in the state's view.

Givot asked Buttrick whether the state would likely be influenced by an LNC decision designating an affiliate. He also asked whether the LNC could designate an affiliate for purposes of delegate allocations and, if necessary, change that designation at the March 2000 LNC meeting.

Buttrick responded that one party in the litigation claims that the designation of an affiliate by the LNC does not matter. He said that he believes that the LNC cannot change its designation of an affiliate to conform to

the state's determination because the ByLaws require disaffiliation to be for cause. He said that it is his opinion that disaffiliation for that purpose would not constitute valid cause.

Lieberman asked Buttrick which party he represents in the pending AZ litigation.

Buttrick said that he represents ALP(#1).

Savage said that too much time has been spent on this issue. He suggested action be taken.

Lindell expressed concern that neither applicant received support from a majority of those qualified to express a preference.

Dasbach said that 735 mail ballots were sent and 388 were returned. He said that ALP Inc(#2) received 251 votes before consideration of requests to change first ballots.

Lindell said that it is significant that so few ballots were returned. He said that he feels that accepting neither application would be a reasonable course of action.

Dasbach said that he is surprised by the high number of ballots returned. He said that only 6 of the 388 ballots returned were cast for None of the Above.

Fylstra said that he had received copies of mailings sent by ALP Inc(#2) but nothing from ALP(#1). He said that he is familiar with the people involved and the situation. He said that he does not believe that there was "mudslinging" -- only "campaigning." He asked Buttrick about the judge's request for a motion to have the state decide which group represents the Libertarian Party in AZ.

Buttrick said that the parties to the pending litigation are the Democratic Party, the Republican Party, both affiliate applicants, as well as some individual plaintiffs. He said that at issue in the pending litigation is the legality of the actions taken at the April 1999 LPAZ convention and the constitutionality of AZ statutes governing the organization of political parties.

Buttrick said that motions have been filed by the Democratic Party, the Republican Party, and ALP(#1). He said that the motion seeking the state to decide which group represents the Libertarian Party of AZ comes at the request of the judge.

Buttrick said that, in his opinion, the two groups -- ALP(#1) and ALP Inc(#2) -- will not be willing to settle that issue by agreement between them. He said that he believes that the judge will ignore whatever decision the LNC makes should it designate an AZ affiliate.

Smith said that he received three mailings. She said that she found some to contain "half-truths." She asked whether the LNC had asked anyone in AZ to stop using the name "Libertarian Party" while this matter is being resolved?

Dasbach said that some time ago a letter had been sent to ALP Inc(#2) asking it to stop using the name "Libertarian Party" because it was following the state party ByLaws.

Smith asked Dasbach whether ALP Inc(#2) complied and stopped using the name "Libertarian Party."

Dasbach said that ALP Inc(#2) had not complied and continued to use the name "Libertarian Party." He said

that ALP Inc(#2) has argued from the beginning (and the national party has disputed) that state law requires them to proceed as they did.

Bergland said that the key issue in the lawsuit is which group should get the voter registration list by virtue of being the Libertarian Party in the state's view.

Buttrick agreed.

Bergland said that at the August 1999 LNC meeting, both sides said that they would accept the ruling of the LNC in designating an affiliate party in AZ. He said that this would resolve one issue between ALP(#1) and ALP Inc(#2) in the pending lawsuit.

Buttrick disagreed that both sides had committed that accepting the LNC's designation of an AZ affiliate would resolve any issue in the lawsuit.

Givot said that his recollection is that both sides were asked if they would be in court if their side was not designated as the AZ affiliate and that both sides said that they would not be.

Hall said that each side was asked if they didn't like the LNC's designation decision, would they sue the LNC. He said that the question was a more narrow question.

Franke asked if both sides were willing to drop the lawsuit, would it go away.

Buttrick said that it might not go away. He said that the final result might have the LNC designating one group as its AZ affiliate while the state recognizes the other group as the Libertarian Party in AZ.

Dasbach read from page 32 of the draft minutes of the August 1999 LNC meeting:

"Buttrick said that the only currently pending lawsuit regarding this matter deals with which side should be recognized by the State of Arizona as the Libertarian Party of Arizona. He said that the LNC need not be bound by that ruling."

Dasbach read from page 40 of the draft minutes of the August 1999 LNC meeting:

"Buttrick said that this is the best way to proceed at this time given that disaffiliation has already occurred."

Dasbach said that these topics had already been discussed and considered at the August 1999 LNC meeting. He said that considerable money had been spent to conduct the poll of national members in AZ. He expressed concern that no decision would be made given the direction set at the August 1999 LNC meeting.

Tuniewicz asked Hall what the impact would be if the LNC were to designate ALP Inc(#2) its AZ affiliate and if the court were to subsequently decide that ALP(#1) represents the Libertarian Party in AZ.

Hall said that one possible consequence would relate to which group decides the Libertarian Party's presidential electors on the ballot in AZ. He said that another possible consequence might be a takeover of the party through precinct elections.

Dasbach said that the major danger would be that the state can dictate party structure. However, he said, since

ALP Inc(#2) is already following the statutory structure, if the current motion passes, the Libertarian Party is safe either way.

Savage said that he agrees with Dasbach's analysis. He said that the LNC should ignore the question of potential problems if the court decides that ALP(#1) represents the Libertarian Party in AZ. He said that chaos might occur in either case. He said that following the law is generally the right thing to do. He said that being pro-active is good.

Fylstra said that the court's decision really doesn't matter at all because of Dasbach's analysis. He said that, at worst, if the motion passes, ALP Inc(#2) will be recognized by the LNC as its affiliate in AZ and there was no merger.

Bergland said that regardless of whether a merger took place at the AZ state convention, if the motion on the floor passes, Buttrick can tell his clients that ALP Inc(#2) has been chosen by the LNC as its AZ affiliate and ALP(#1) can withdraw its issue of whether a merger took place at the AZ state convention from the pending litigation. He said that withdrawing that issue from the litigation would be in the best interest of the Libertarian Party. He asked Buttrick whether his clients would likely do that?

Buttrick said that he had heard nothing to lead him to conclude that his clients would be willing to withdraw that issue from the litigation.

There being no other discussion, the committee moved to a vote. Because the meeting was held by teleconference, a roll call vote was taken by the Secretary.

Voting in favor of the motion were: Bergland, Bisson, Butler, Dehn, Givot, Hall, Lark, Lindell, Martin, Ruwart, Savage, Smith, and Tuniewicz.

No members voted in opposition to the motion.

Abstaining from voting were: Buttrick, Franke, Schwarz, and Spruyt.

The motion passed with 13 votes in favor, none opposed, and 4 abstaining.

Bergland advised guests Schmerl and Zajac that they have their work cut out and urged them to join forces with all Libertarians in AZ to fight for liberty.

## **Item: Announcement**

Bergland reminded the committee that at the December 1999 meeting the LNC would be selecting members to serve on certain convention committees.

*The Committee voted unanimously to adjourn at 9:50 PM EST.*

