

LNC Executive Committee Meeting

Teleconference

April 25, 1999

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

Staff: Steve Dasbach, National Director
Ron Crickenberger, Political Director
Bill Winter, Communications Director

Also present: John Buttrick (AZ), At-Large Representative
Jim Lark (VA), At-Large Representative
Dan Fylstra (NV), Region 2 Alternate
Scott Lieberman (CA), Region 2 Alternate
Chris Spruyt (NC), Region 4 Representative (joined during Winter allegations)

The meeting was called to order by Bergland at 8:00 PM EDT.

Item: Questions Raised Regarding Dasbach Campaigning for Lark

Bergland asked Dasbach if there is any truth to the allegations.

Dasbach said that the allegations are untrue. He referred to a memorandum he had prepared and previously circulated on this topic.

Lark asked whether anyone has formally contacted any member present to request an investigation.

No one indicated such a contact had been made.

Dehn said that perhaps it would be appropriate to set up a procedure to handle such allegations.

Bergland said that this meeting was probably not the appropriate time to take that under consideration.

Item: Questions Raised Regarding Winter Working for Browne

Bergland asked Winter whether there is any truth to the allegations.

Winter said that he has not done any work -- paid or unpaid -- for Harry Browne since November, 1996.

Dehn asked Dasbach if he is aware of any work -- paid or unpaid -- being done by any staff member for any presidential campaign.

Dasbach said that no staff member is doing any work -- paid or unpaid -- for any presidential campaign.

Item: Cisewski Lawsuit Follow-up

Dehn said that someone posted a message on LPUS claiming that former LNC staff member Dan Smith had been seen taping a speech by Gene Cisewski at the 1997 LPVA convention.

Dasbach said that Smith was taping the speech so that members of the LNC staff who were not in attendance could hear it.

Dehn said that some of the evidence in the Cisewski case related to a "seed" name which was located at Smith's home address. He said that there has been speculation on LPUS that Smith may have done something to give rise to Cisewski having the seed name and address on Cisewski's own mailing list.

Dasbach said that the attorney representing the LNC in the litigation questioned Smith at length about any possible way that the seed name and address could have been in Cisewski's possession other than from the rented list. He said that Smith ruled out each possibility and concluded that there was no possible way for Cisewski to have gotten the name from him.

Bergland asked what wrongdoing has been alleged.

Dehn said that, although it has not been formally alleged, there has been speculation that since Dan Smith was aware of the seed name and address and he may have caused it to be added to Cisewski's mailing list.

Dehn asked Dasbach when he first became aware that Smith's taping of Cisewski had become an incident.

Dasbach said that he was never aware that it had become an incident.

Dehn asked whether -- prior to this month -- there was any claim of a problem with Smith taping Cisewski's speech.

Dasbach said Cisewski had tried to make an issue of it at the next national convention. He said that he had not heard about anyone raising the issue since then.

Dehn asked whether Smith's attendance at the LP VA convention where Cisewski was taped was paid for by the party.

Neither Dasbach or Crickenberger was certain of this.

Dehn asked what policy exists for paying for LNC staff members' convention registration.

Dasbach said that, other than when attending their own state convention, generally the state party does not charge the staff member for registration. He said that if the state party does charge the staff member, the party would pay the cost. He said that this is the policy which he has in place. He said that he does not know what policy was in place in 1997 when Perry Willis was National Director.

Tuniewicz said that this discussion causes him some concern because he is aware of several past instances where Smith made negative comments about Cisewski.

Dehn asked if a formal procedure should be adopted to review allegations about inappropriate behavior by staff.

Bergland said that he does not think this meeting is the time to discuss or establish a policy for how formal complaints should be made, received, and handled by the party.

Dasbach said that -- as the Cisewski deposition shows -- the size of the list which Cisewski used for the unauthorized mailing is about the same size as the LP mailing list which he rented at that same time -- approximately 25,000 names.

Dasbach said that what appears to be happening with the suggestion that Smith may have provided the seed name and address to Cisewski, is that now that the facts of the case are public, people are trying to "reverse engineer" an explanation rather than acknowledge Cisewski's guilt.

Item: LP News Advertising Issues

Winter said that the ad recently submitted by Jacob Hornberger was for the Future of Freedom Foundation and had nothing to do with his other recent activities or public comments about the party.

Item: Financial Reports

Dasbach said that he has been getting financial reports regularly. He said that he had assumed that they were being sent to Tuniewicz regularly as well. He said that he will discuss this with Dunbar to assure that they are sent to Tuniewicz as well.

Dehn asked about the March financial statements.

Dasbach said that the reports are not yet finalized, but should be soon.

Item: Direct Mail Prospecting

Dasbach said that most of about 250,000 pieces will drop this week, testing the letter developed last August which did substantially better than prior letters.

Dasbach said that when test results are back, major donors will be contacted to raise money for a large rollout. He said that major donors will also be given an opportunity to contribute funds for media advertising.

Item: Requested Correction by Jim Davies

Dasbach reported that Davies is referring to the LP as the "former Libertarian Party" because the LP was not willing to run the entire correction in The Libertarian Volunteer which Davies felt was appropriate.

Item: Status of Database Problems for Affiliates

Dasbach explained the nature of the problem. He said that the new national database has three lists of individuals, whereas most state party databases have only one list of individuals.

Givot reported that another problem is that affiliate parties were told that they would be able to receive a copy of the database in the old format -- but for increasing the size of the ID number field. He said that this did not happen and caused some problems. He said that he has not had time to determine whether this problem has been fixed.

Item: Arizona

Buttrick reported that the judge ruled on motions last week.

Buttrick said that ALP, Inc's motion for "clarification" was denied. He said that the judge ruled that the officers of the old ALP are the officers of the state's Libertarian Party for purposes of the state -- i.e., who gets voter lists, etc.

Buttrick said that the Arizona Director of Elections sent a letter relating to who decides what presidential and vice-presidential candidates' names and electors are placed on the ballot as the candidates and electors of the Libertarian Party. The letter said that the state party chair, as determined by the pending lawsuit, would provide that information to the state.

Buttrick said that the combination of the two -- the judge's ruling and the Director of Elections' letter -- makes it clear that there is now a significant risk that the non-affiliated ALP will provide those names to the state for placement on the ballot and that the state will act to put those names on the November ballot unless the Secretary of State changes her mind or is ordered otherwise by a court.

Buttrick said that there are sporadic attempts being made to bring the two sides together to try to reach some resolution or settlement. He said that although it would be very helpful to have a mediator present to help the parties communicate, both sides are very suspicious of involving someone from outside.

Lark said that he is one of the people who has offered to mediate a resolution between the parties. He said that he has received email from Elizabeth Brandenburg-Andreasen, the chair of ALP, supporting having a mediator.

Tuniewicz asked Buttrick what Elizabeth Brandenburg-Andreasen wants.

Buttrick said that ALP probably wants unification under their ByLaws and an end to the lawsuits. He said that ALP, Inc. probably wants compliance with the state statutes. He said that he does not see any fundamental conflict between those goals.

Dasbach said that one issue is whether the solution to the statutory compliance question carries with it the full authority required by the statutes.

Dehn asked with which the statutes ByLaws do not comply.

Buttrick said that he did not know of any.

Dasbach said that the statutes call for certain things being delivered by the government to the state committee chairman whereas the ByLaws call for the state committee chairman delivering these things to the governing committee chairman immediately upon receipt from the government.

There was discussion of whether the ALP ByLaws prohibited copies of voter data being provided to the state committee chair after receipt by the governing committee. Buttrick said that he did not believe that such an action would violate the ByLaws and, in fact, might aid the precinct committeemen in carrying out their statutory duties of increasing registration of Libertarian voters and helping Libertarian voters get to the polls on election day..

The Committee discussed several things that the national party might undertake to bring forth a resolution to the problems in AZ.

After considerable discussion there was consensus that Bergland would contact both sides to offer several LNC members as potential mediators.

There was also some discussion of alternative actions that the national party might undertake, including litigation or a petition drive.

Item: Web Site Status

Dasbach said that the latest delay has been in getting the old files to KIA for conversion. He said that KIA was not fully aware of the amount of information to be converted and the complexity of the conversion required.

The current target date is May 5.

Tuniewicz asked Dasbach what his confidence level is with that date.

Dasbach said that he will not be confident about that date until all of the files have been received by KIA and unless he sees content starting to appear on the new site fairly quickly.

Fylstra said that he recently received information from KIA about what they are currently developing which gives him reason to question the May 5 date.

(Lark and Lieberman left during this discussion.)

Dehn asked how long there will be from delivery by KIA until the site is made available to the public.

Fylstra said that about a week with perhaps 100 users testing the site would be helpful.

Dasbach suggested Fylstra's suggestion of a week for beta testing would be a good one.

Item: Convention Budget Status

Dasbach said that the current budget figures seem to be at about the right level. He said that the early registration number of 408 is well above the budgeted figure of 220. He said that there are some items which may need to be adjusted, but that they are not particularly large.

Tuniewicz said he had received a copy of the budget and his observation is "so far, so good."

Item: Domain Name Registration

Bergland said that he has discussed the matter with Dean and Butler. He said that the LP has asked for all three domain names.

Bergland said that there are three alternatives: litigation, buy the domain names, or create a business relationship with Web Commanders. He said that he dislikes the first option and thinks the second option may be the best alternative.

Dehn said that these are the three alternatives that have been discussed for some time.

Tuniewicz said that he understood that the LNC had ruled out the third alternative.

Butler said that the significant difference in the third alternative over what had been discussed at the LNC meeting is that the third alternative is now being framed with LNC ownership of the domain name with an agreement enabling Web Commanders to license one of the domain names.

Bergland said that he had discussed the second alternative with Dean.

Tuniewicz said that his clear recollection of the LNC discussion was that the LNC did not want to license out these domain names.

Butler said that his clear recollection is that tendering over of the domain names was not discussed as part of a licensing agreement. He said that this made it a different alternative than that considered by the LNC.

Dasbach said that he recalls Butler saying that licensing out the domain names was fraught with danger. He said that given the reality of what Bergland and Butler have reported, the LNC may want to reconsider the alternatives.

Dehn asked whether Dasbach was saying that if the second alternative is very expensive, the LNC may find the redefined alternative three to be acceptable.

The Committee went into Executive Session at 10:14 PM.

The Committee returned from Executive Session at 10:54 PM

Item: Domain Name Registration (continued)

There was consensus that Bergland would continue negotiations with Jack Dean and Web Commanders in accordance with the Executive Committee discussion.

The meeting was adjourned at 10:57 PM EDT.
