

LNC Executive Committee Meeting

Teleconference September 12, 2000

Present: Jim Lark, Chair
Dan Fylstra, Vice-Chair
Mark Tuniewicz, Treasurer
Steve Givot, Secretary
Ken Bisson (IN), At Large Representative
Joe Dehn (CA), Region 2 Representative
Michael "MG" Gilson de Lemos (FL), Region 4 Representative

Also present: Dan Wisnosky (NV), Region 2 Alternate

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

Lark called the meeting to order at 8:40 PM EDT.

Item: Approval of Agenda

The agenda was approved with a revision in sequence.

Agreement was reached to discuss what, if any, actions the LNC might wish to take to develop an affiliate contract at the next Executive Committee meeting.

Item: Chair's Comments

Lark thanked Dehn, Fylstra, Givot, and MG for their efforts to bring about a solution to problems in AZ.

Lark congratulated Crickenberger and Buckley on exceeding the LNC's goal by virtue of having 245 or more congressional candidates. He also congratulated Crickenberger on his own congressional campaign and his performance in the recent debate.

Lark asked that the minutes note the passing of long-time LP activist Bruce Baechler whom, he said, will be sorely missed. He said that he would write a letter expressing the LNC's sorrow at Bruce Baechler's passing.

Lark said that he has been advised that the AZ Supreme Court refused to hear the LNC's appeal regarding Browne's petition to appear on the AZ ballot as an independent candidate for president.

Lark said that he has been informed that Barry Hess has written a letter asking ALP to place the names of Harry Browne and Art Olivier on the AZ ballot in November.

Item: 527 Groups

Crickenberger said that he has been contacted by an attorney who is interested in challenging the constitutionality of these regulations. He said that the attorney is looking for additional plaintiffs, not for fees. He said that he is not aware of who the other plaintiffs would be.

Dehn said that there is a potential problem in joining a lawsuit if we do not know what the pleadings will be.

Crickenberger said that he has nothing regarding the details of the lawsuit.

Givot said that he has no particular problem in joining such a lawsuit as long as the pleadings are consistent with our beliefs.

Crickenberger read a brief synopsis of the arguments to be made.

MG moved that the Lark be authorized to approve participation in this lawsuit.

Fylstra seconded.

Dehn said that he would like some understanding as to what criteria Lark will use to determine whether or not the LNC will participate in the lawsuit.

Lark said that he will provide information to others about the lawsuit. He said that he would want to know more about the lawsuit before authorizing participation.

Crickenberger said that he does not see any need to proceed within the next day or two.

Givot asked Dehn if he found anything described by Crickenberger objectionable.

Dehn said that he was generally pleased by the description.

Givot said that he was comfortable with the arguments listed in the synopsis read by Crickenberger.

The motion passed on a vote of 4 to 0 with 2 abstentions.

Lark said that he would not proceed until he had more information.

Wisnosky requested that the entire LNC be provided whatever information becomes available.

Lark committed to do so.

Item: National Director's Report

Dasbach said that much recent activity has been focused on AZ and the conclusion of other ballot drives.

Dasbach complimented the heroic efforts of John Buckley to make sure that all necessary details have been attended to regarding ballot access. He cited problems which arose in OR, RI, and elsewhere.

Crickenberger said that Buckley and he have spent the past months contacting affiliates and using all reasonable means to attempt to get them to attend to this paperwork early, rather than wait until the deadline. He said that all of these problems would have been easy to avoid by simply attending to paperwork on a timely basis.

Dasbach said that a mailing will be sent to prospects dating back to 1996 and several lists that have been successful in the past. He said that this is based on a very successful letter that was sent to registered Libertarians. He said that there may be a follow up telemarketing effort in support of this letter.

Dasbach said that there was a significant dip in cash as a result of the hotel bill for the convention. He said that about \$65,000 was also spent on the AZ ballot drive. He said that to preserve the LP's good credit record, it was his judgment that certain bills needed to be paid. As a result, he said that the Reserve Fund was temporarily violated when cash dipped to about \$45,000. He said that this has since been made up.

MG said that he had understood that the AZ petition drive would cost about \$15,000.

Dasbach said that he had estimated the total cost of the AZ petition drive to be \$25,000 and had indicated that ALP Inc. had committed to provide \$10,000 toward that effort resulting in a net cost of \$15,000 to the LNC. He said that the need to hire independent petitioners on short notice, coupled with extremely hot weather in AZ, had driven the costs above what was expected.

Dasbach said that the Browne campaign is currently paying for whatever ads are running. He said that in excess of \$110,000 has been spent by the LNC thus far to run these ads.

MG asked Dasbach how post-convention fundraising is doing.

Dasbach said that the letters that have been sent have been performing well. He said that there was a significant pickup in contributions received from the web site from about \$5,000 per month before the convention to about \$5,000 per week through the end of August.

Fylstra asked Dasbach to comment on overall membership growth year-to-date.

Dasbach said that in 1996, the LP had about 14,000 members at start of the year. He said that this grew to about 16,000 members at the start of the mid-year convention. He said that in 1996 all information about new members or prospects was immediately available to LPHQ staff for follow up because the campaign was located at LPHQ. He said that this time, this information was not available until mid-August and only recently did the LPHQ receive information developed from calls to the 800 number. He said that this delay has delaying appropriate staff follow-up.

Dasbach said that certain information exchange relationships existed in 1996 which do not exist this time, because of the strict separation of the Browne campaign from the LP national office. Although an agreement has been reached with the Browne campaign about forwarding donors' names to the LP national office, the information has not yet started to flow."

Item: Arizona

Dasbach said that he has not spoken directly to the LNC's attorney in this matter. He said that the AZ Supreme Court declined to hear the matter relating to the Browne independent candidate petition. He said that appealing to the AZ Supreme Court was the one opportunity to appeal on an expedited basis. He said that the ruling issued by the lower court referenced precedents which are not presidential cases and which had later cutoff dates than the AZ statutes being challenged.

Dasbach said that this is the first time in US history that a presidential candidate was on the ballot in 49 states and failed to get a hearing and a favorable ruling placing the candidate on the ballot in the 50th state.

Givot moved to authorize the Chair to approve a lawsuit in federal court challenging the early cutoff date for independent candidates in AZ.

MG seconded.

Dasbach warned that such a case might be deemed frivolous and result in sanctions. He said that there should also consideration given that the lawsuit might result is a bad precedent.

The motion passed 6 to 0.

Lark asked Dasbach if he had an estimate of the costs involved in pursuing this lawsuit.

Dasbach said that he did not have an estimate from any attorney.

Lark asked who might handle this lawsuit.

Dasbach said that he asked Chris Raboin who might represent the LNC in such a lawsuit. He said that Raboin recommended that John Buttrick and another person in his firm represent the LNC in this matter. He said that Raboin had an alternative recommendation which would probably come at a fairly high hourly rate.

Givot said that although he has no problem with John Buttrick handling this matter, employing Buttrick may be politically sensitive because he represents ALP. He said that he feels that the Executive Committee should go on the record on this subject.

Fylstra said that he is inclined to proceed with the lawsuit and to commit money to it, but he would want to know that there is a good likelihood of success. He said that he would like Lark to chat with Buttrick about taking on this case, and that he would trust Lark's determination as to whether Buttrick can handle this case.

MG said that he would prefer to use Raboin rather than Buttrick.

Dasbach said that he agrees with Fylstra.

Dehn said that he has a certain amount of discomfort about Buttrick handling this case. He said that Buttrick has already been involved in this matter at the state court level. He said that he also agrees with Fylstra.

Dehn said that Richard Winger also believes that this should be pursued.

Dasbach said that he estimates that less than \$20,000 will be required to pursue this matter in federal court.

Givot said that nothing was currently going on in terms of efforts regarding a long-term solution. He asked for guidance as to what, if anything, should be done in the near term to promote such a solution.

Lark said that it is important to keep communicating with both sides.

Lark said that regardless of what happens with the lawsuits, it is important to rectify misperceptions by many people - including some ALP members - about the nature and motives of LNC actions. Lark said that he is willing to go to AZ to meeting with people to try to straighten this matter out.

Fylstra said that if Lark goes to AZ, it is important that he communicates with a broader group than the leadership of ALP.

Item: Puerto Rico Petition

Dasbach reported on the possibility of petitioning in PR. He said that if it were only a matter of money, he would consider writing the check. He said that there is no active organization there currently.

MG said that he would be interested in seeing if anyone in PR is interested in pursuing this, if his costs were covered.

Item: Strategic Planning and Budgeting

Dasbach outlined the sort of feedback that he would like to get for use in strategic planning. He expressed a desire to get input from LNC members regarding goals for 2001 during September.

Givot asked Dasbach whether he was looking at only a one year planning cycle.

Dasbach said that this is the feedback he is seeking now. He said that he anticipates that a significant amount of time will be spent at the December LNC meeting discussing the four-year planning cycle and that it may be necessary to amend goals and budgets in early 2001 based on whatever decisions are made regarding a longer than one year plan.

Givot suggested that Dasbach contact all LNC members to solicit this input and that he lay out the timetable for consideration of the one-year and longer plans.

Item: Confirmation of Next Meeting Date

The Committee agreed to meet at 8:30 PM EDT on September 26.

Item: Comments for the Good of the Party

MG said that he believes that the prospects for the LP are very good after the election. He said that he understands that the Chair has significant interest in expanding outreach and Libertarian internal education, and that he believes that this will be very beneficial.

Dasbach said that he believes that next year we should focus on outreach and on supporting local parties.

Fylstra said that he has growing interest in support of local party activities.

Lark said that LPCA should be congratulated on the success of Operation Breakthrough.

The Committee adjourned at 10:02 PM EDT.
