

# Liberty for America

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## Forming Regions in the National Party ...A Short Guide for New State Chairs

Our Libertarian National Committee is composed of four National Officers and five At-Large members, chosen by all delegates at the National Convention, and eight or nine Regional Representatives, chosen by groups of states.

A Region is entitled to have a Regional Representative if at least 10% of the party's members live in the region, two Representatives, if 20% of the members live in the region, and so forth. California, by itself, can be a region, because >10% of our members live in California, but other states must group together to form a region. The actual number of Regional Representatives is determined by how states agree to form Regions, but historically there have been eight or nine Regional Representatives.

Region formation is entirely voluntary by the states agreeing to form the Region. There are no Bylaws assigning states to regions. You get to form Regions every two years, during the three months before the National Convention, though you can negotiate the details in advance. You make your agreement, the State parties all sign the agreement, and you have a Region. If you choose not to join a region, or if your State Party does not get around to joining a Region in time, you can be an independent State.

If you do not agree to do something else, at some point during the National Convention the delegates from the states in the region get together and elect their Regional Representative and the Regional Alternate. These meetings have sometimes been held in front of the elevators; informing delegates about them has sometimes been a bit haphazard. You don't have to do it that way.

You can plan out in advance which states are or are not in your region. You are under no obligation to stay in your current region. In forming a "double region", you may find that the natural division of states (say, the current region 5 North and South) divides so that one end has >10% of the members, the other end has <10% of the members, but you can still agree that the delegates from the two halves of the region each separately choose a Regional Representative.

Everything else can be done by mutual agreement of the states involved, so long as the details are specified in the formation agreement, such as agreements as to how many votes each state gets in choosing a Representative or Alternate, where the Representative and Alternate must come from, how the Representative and Alternate may be replaced, etc.

It is always sensible to look at the Region you might be joining and ask whether the Region makes sense, and whether the credible choices of Regional Representative are acceptable. For example, if your Regional Representative has never contacted your state or filed a report in the LNC Minutes about what is happening in your Region, you might want to consider what you want to do.

## Seebeck Declares for Regional Representative

Fellow Californians,

After a lot of consulting, consideration, and discussion with both family and colleagues within the Party, I am announcing my candidacy for LNC Regional Representative for Region 2, serving California.

These past two years have seen the LNC in turmoil and the LPCA in growth, and the next 3 years are OUR time. It is time to restore strong and principled leadership to the LNC and to continue that growth in California. As the largest state affiliate and the only single-state region, California's role on the LNC is unique. We've seen their turmoil and its impacts on our state, and it is past time to end it and move forward with doing the jobs we have pledged our time, our money, our sweat, our tears, and even our blood—using the political process to advocate, create, and move towards a libertarian society. Great progress has been made, but it is time to build on that and grow nationally, and to continue our growth in California. THIS IS OUR TIME! We need to make the most of it. Voters are angry, and we MUST tap into that for our success, at all levels.

What do I bring to the LNC?

- I'm a known name and presence in LNC circles. I maintain regular contact with several current, past and most likely future members, and I have earned their respect and admiration, and they have expressed support for me. I have been very active in national affairs, including helping to blaze the trail for the now-common and much-needed webcasting of the LNC meetings to members. I have a good sense of what is going right and what is going wrong there.
- My LP experience spans a decade over two states (CA and CO), at all of their levels, from county offices and committees to state leadership. I've been a candidate for office once, and while I didn't win, I did defeat a \$46 million bond issue. I'm an activist at heart, but I've also been a county Treasurer; a gofer; a campaign manager, adviser, and worker; a state and county Media Director; a county Outreach Director and activist; a Bylaws guru; a Style writer; a convention organizer; and a legislation and ballot proposition analyst. I have been published in newspapers and been interviewed on TV, and at one point was also a radio guest host. I bring a diverse set of skills and experience to the job.
- I have no intention of compromising libertarian principles in the name of "going along" or "being successful." I believe that we can be successful ONLY by not compromising our principles, and by doing the work that needs to be

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done to make the LP achieve its birthright as the future of American politics.

But, I also need to also make a couple of things clear:

- If elected, I will continue my work on the LPCA Executive Committee. I made a commitment to my colleagues there, to our candidates, and to the California membership, and I intend to honor it. I believe that commitment plus being a Regional Representative, while together are difficult, are actually complementary in nature. There are positive things California is doing, and while we can lead by example, we also need to communicate by example as well, and we can draw from other states what they are doing right, pool our information, and help each other grow. That means it is necessary to have our Regional Representative “in the loop” at the state level and the state “in the loop” at the national level, and the membership “in the loop” at ALL levels. It is my intention to do exactly that, and we have so much to do!
- This is not about personal glory or titles. My personal reward for doing my work within the LP is the love of my family and a clear conscience that I’ve done my best for the cause of liberty, to make their and our future a little better and brighter. Titles carry responsibilities, and it is there where I focus. There is no end to the number of things that need doing at all levels of the LP. Titles don’t mean anything if the job isn’t done and done right. It’s not

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Liberty for America will be performing political acts, like supporting voter registration, lining up volunteers, and other activities that the Federal government calls "Federal Election Activity" and hence FEC-reportable. We must therefore funnel dues to our PAC, "Liberty for America". Dues will not be used to support candidates.

Required Federal Notices: Your Donations are not tax deductible. Federal law requires us to request the occupation and employer of donors of \$200 or more in a year. Federal law requires us to state 'your money may be used to support Federal candidates', but we promise that we won't do that with your dues.

about me, and it never has been, and never will be—that’s not my style. I want what’s best for the Party and what’s best for liberty, first and foremost, and I truly believe my work within the LP will stand by itself to the objective mind as positive and productive, even under the traditionally harsh scrutiny that libertarians tend to give each other and everything else.

It’s no secret that I’ve been a critic of a good number of LNC actions. In the past, I’ve been a similar critic of my state and county LP actions as well. Back then, I was effectively told to “put up or shut up.” So I “put up”. Once again, I’m “putting up.” I’m willing to step up and make things better. I undoubtedly have my own set of critics—it comes with the territory. BUT, if we all step up and make things better as a team, we can do what has been thought to be the impossible. That takes a lot of hard work and dedicated and focused effort by everyone at all levels, and sometimes on more than one level, which is also why I’m running. It’s time to make the LNC successful as well as our great state. Others across the country will be doing the same thing, and we will succeed by working together, which means I need your support, feedback, and even a kick in the pants from time to time. The best teams lift each other up and accomplish remarkable things. California has been very fortunate these past few years to have a good team in leadership, and now it’s time to get everyone on board—including you!—and take it to the next level, both in terms of intensity here and to the LNC. That is what I intend to do, with your help at every step of the way.

In closing, I believe that I am the best fit for what California needs for representation on the LNC, and I ask for your support in Long Beach next month and beyond. We can do this together! In Liberty,

Michael Seebeck

### **New Path: Renewing Our Libertarian Party** by George Phillies

Our Libertarian Party stands at its golden moment. American voters are disgusted with their major parties, the parties of perpetual war, perpetual crony bailouts, and perpetual expansion of our national debt. American voters know Washington politicians don’t care what their constituents think.

The people of America crave an alternative. That’s us. That’s our Libertarian Party, the Party of Common Sense.

Our opportunities stand right before us. All we need to do is to reach out and take them.

We need to show America we are the Party of Good Sense. We do that by running on issues that people care about, issues like Peace, Opportunity, and Liberty.

- Peace? End the Asian Land Wars. Bring our troops home to their families.
- Opportunity? End Washington fiscal profligacy. Stop

bailing out the crooked cronies of a corrupt Congress.

- Liberty? Shut down the warfare surveillance state. That's our Common Sense Libertarian message.

Yes, we're Libertarians. We thrive on civil disagreement. We need a National Committee ready and able to fight our real opponents.

Some Libertarians ask: Do we really need 50-state ballot access? I say: My goal is thriving Libertarian Parties for every state, D.C., Puerto Rico, Guam, and everywhere else our flag flies.

Some Libertarians talk about fund raising. I say: Talk about fund spending! Spend our money on public outreach. Spend our money on local organization. ABOVE ALL, spend our money to elect candidates. Spend our money effectively, and our donors will reward us ten-fold.

Some Libertarians talk about purity tests. I say: Leave purity tests to high school students. Elect an LNC that wants to do work.

Some Libertarians fear a takeover. I say: We need a make-over. Bring small-L libertarians into our party. Embrace the anti-war coalitions that Republicans and Democrats hate. Greet the GLBTQ activists Obama and McCain scorn. Welcome women's rights supporters double-crossed by Congressional liberals.

Some Libertarians mobilize for platform debates. I say: Yes, Mobilize the Libertarians. Mobilize our fellow Libertarians to do real politics.

How do we do that? We need a national party leadership with a vision for the future. We need a national party leadership with sensible plans. We need a national party leadership with fire in its belly. We need a national party leadership willing to work for our party.

I'm delighted to see that across America good Libertarians are announcing their intent to run for our National Committee. They share a glorious objective: Put our Libertarian party on the New Path, the path to Libertarian Renaissance. Last week, Angela Keaton used the pages of Liberty For All to urge me to run for National Chair. This week, Eva Kosinski used Gold America Group to do the same. Since then, I've been deluged with words of encouragement.

Let me paraphrase a distinguished foreign leader, many of whose fellow nationals and their descendants are now fine Americans: My life is but a feather. My duty to my party is a crushing mountain. Mindful of the words of my fellow libertarians, I find I have no alternative: I must shoulder this burden.

I hereby announce that I am a candidate for National Chair of our Party.

...George Phillipis

## Maine Question 1:

### Where Did the Money Go?

by James R. Oaksun, MBA, CLU, ChFC

The 2009 ballot question on gay marriage in Maine was the most expensive initiative campaign in Maine history, and the third most expensive statewide political campaign in the state's history. More than \$7 million was spent on both sides. Only the U.S. Senate races of 2002 and 2008 were more costly.

This report will examine where the money got spent, on both the "Yes" (anti-equality) and "No" (pro-equality) sides. There were some significant differences in how the funds were allocated among different sources. Brief synopses will be provided on the major vendors on both sides. Finally, some suggestions for future equality campaigns will be offered.

#### Step One: Get the Issue On the Ballot

Before there could even be a campaign, the "People's Veto" needed to get the requisite number of signatures to qualify it for the state ballot. In Maine, that requires collecting roughly 55,000 signatures. Stand for Marriage Maine (the Yes on 1 campaign) spent more than \$300,000 to gather the signatures. A Michigan-based firm, National Petition Management, was contracted to perform this task. They succeeded. Still, this meant that Yes on 1 needed to raise \$300,000 before there could even be a campaign. In my analysis I consider this to be pre-campaign expenditures and do not include it in my ratio calculations.

#### Step Two: Make a Budget

When planning a major project, you need a budget. Decisions get made, dollars allocated, vendors selected. Here we know exactly who got what. We also know that one side won, and one side lost. Were there differences in how the allocations were made? It turns out there were some very significant differences that might suggest a different approach for equality forces in future campaigns.

No on 1 (the pro equality side) spent nearly \$5 million on the campaign. Yes on 1 (the anti-gay marriage side) had substantially fewer resources -- about \$2.5 million. The two sides allocated their funds as follows:

	Yes	No
TV/Radio	1,637	2,551
Signs/Literature/Mailing	307	810
People -- Employees and Consultants	270	343
Internet	113	343
Polling	176	160
Phones	1	267
All Other	64	130
(all amounts \$000)		

A series of observations are apparent:

1. Yes on 1 overweighted traditional media, and as a result was relatively competitive with the equality forces on the air-waves.



2. Yes on 1 spent absolutely more dollars in opinion polling than No on 1, and more than twice as much on a relative basis.

3. No on 1 spent a huge amount on direct mail.

4. No on 1 also spent a large amount on phone banking. Yes on 1 shows practically no expenses for this.

5. No on 1 spent nearly \$350,000 on Internet activity web site design and management, and advertising. More on this later.

6. Though much was made of hiring Frank Schubert to manage the Yes on 1 effort, No on 1 still spent \$63,000 more on staff and consultants than did the anti-equality forces (including Schubert's fee). (Incidentally, Schubert's fee was \$110,000. In addition, he billed the campaign roughly \$26,000 in travel and additional expenses. The recent New York Times article citing Schubert's costs at well over \$300,000 was incorrect.)

Now to consider who exactly got the money. First, the pro-equality No on 1 expenses:

#### 1. McMahon Squier -- \$2.6 Million

Long active in Democratic politics, this Alexandria, Virginia-based organization has a decent track record. The vast majority of this amount was for purchased TV and radio time. Typically commissions on ad buys range from 10 to 15 percent. I assume they also did the creative work on the ads -- the scripts and such. Presumably, therefore, some of their commission is analogous to Frank Schubert's base payment from Yes on 1, as Schubert claims to do substantially all the creative for the anti-equality campaigns. (Incidentally, McMahon Squier is the chief media consultant for Maine's Democratic Governor, John Baldacci.)

#### 2. Mission Control -- \$779,000

This is a Connecticut-based direct mail operation. According to their website, they produce "the only junk mail you'll ever read twice." They work exclusively with Democratic candidates and progressive causes.

#### 3. Mundy Katowitz -- \$319,000

This firm, based in Washington, DC, is something of a mystery. Their website is "under construction." Five principal members are named. The firm apparently does new media/Internet work for Democrats.

#### 4. Winding Creek -- \$200,000

This is a telemarketing firm, based in Washington, DC, that does phone work for Democrats.

#### 5. Greenberg Quinlan Rosner -- \$160,000

This is a longtime Washington, DC-based polling firm. While they do corporate work as well, their principal focus is work with Democrats and progressive causes. Stan Greenberg came onto the national scene in the 1992 campaign for his work with Bill Clinton.

The anti-equality/Yes on 1 vendors have their own degree of mystery.

#### 1. Mar/Com Associates -- \$1.6 million

This was the Yes on 1 media shop. Analogous to McMahon

Squier, they produce advertisements and book the air time, holding back a 10-15 percent commission. Mar/Com appears to be a shell company under the aegis of a man named Bill Criswell, of Criswell Associates in San Francisco. Very little information is available about this firm; their website is "under construction."

#### 2. National Petition Management -- \$308,000

This Michigan based firm has a long track record in successfully gathering signatures for conservative causes.

#### 3. Aaron, Thomas and Associates -- \$189,000

This is a direct mail operation, based in California, and hired by Frank Schubert. Very little information is available about them.

#### 4. Public Policy Strategies -- \$147,000

This was Yes on 1's pollster. According to Frank Schubert, this is actually an East Coast polling firm that is operating under an alias (and with a Nevada mail drop). Schubert claims vendors do this because LGBT activists harass and target firms that work on anti-equality campaigns. As it is currently unclear who this polling firm is, we cannot say anything further about them. In addition to Public Policy Strategies, Yes on 1 utilized Lawrence Research of Santa Ana, California, to do some polling.

#### 5. Schubert Flint -- \$136,000

This is the Sacramento, California-based firm that provided general campaign management and strategy for Yes on 1, as it had done (successfully) for California Proposition 8 in 2008.

#### A Strategy Going Forward

In my previous report on the California, Maine and Washington campaigns, I suggested some strategic changes. Here I go further. If they are to start prevailing, the marriage equality forces also need a strategic redesign of their campaign organizational and operational structure. They should take a page from the winners. Success is success. They may disagree with their opponents' motives and actions, but their opponents are winning at the ballot box and there may be something to learn from them.

Here is how the anti-equality forces set up their campaigns:

a. National Organization for Marriage, the Catholic Church and various conservative/Christian denominations (such as the Mormons) are the funders. They raise the money through a variety of mechanisms.

b. A professional campaign manager, with a record of success, is hired and is then rehired in subsequent campaigns. The wheel is not reinvented with each spin of the electoral process.

c. Scientific polling is overweighted in the budget. Push polling may or may not be used.

d. A small number of senior local operatives are hired as consultants.

In contrast, here is how the equality efforts are run:

a. A new campaign manager, with unclear experience and record especially against nationally renowned opposition, is hired for each campaign.

b. Not only does this inexperienced management team have

to run a campaign, they also have to run a fundraising operation, with phone banking and the like.

c. Scientific polling is underweighted.

d. Overweighting is done to vendors with longstanding ties to the Democratic Party, utilizing mechanisms of questionable or obsolete effectiveness.

What I am suggesting here is a totally functional organizational model. Call it "Equality Inc" or something. It is a matrixed organization; there is no overall head per se. There are well defined functions that do their appointed tasks and do them with rigorous effectiveness.

The \$5 million spent by No on 1 amounts to about \$20 per vote. On a per capita basis, this was three times as much as was spent by the California No on 8 campaign (which also lost). Throwing more money at this issue, without serious reconsideration of strategy and organization, will be money wasted.

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PO Box 961  
www.Liberty4Maine.org  
Portland, ME 04104  
www.VirtualGalt.com  
603.397.3387

### About Liberty for Maine

The mission of Liberty For Maine is to advance the interests of freedom and liberty in Maine in an active, creative and assertive manner, offer support to similar efforts underway in many other states and nationally, and engage in other activities as appropriate. The group has declared its support for the Statement of Principles of the national Libertarian Party.

## Libertarian Candidates!

Joe Kennedy has been in multiple debates against his US Senate opponents, seen on television and radio. The Republican, whose prior claims to fame include having posed rather minimally clothed in a woman's magazine, and the Democrat, who is apparently choosing to make a rather limited effort to campaign, were also in the debates. There is a PPP poll that may be out soon with standings; it will be added if it is available.

Wes Wagner is seeking the Libertarian nomination to run for Governor of Oregon. He has a team of fellow candidates.

California Libertarian candidates include Dr. Randall Weissbuch, for CA-26, currently represented by David Dreier. William "Bill" Cushing, for CA-29, currently represented by Adam Schiff. Robert Bates for Senate district 22, currently represented by Gil Cedillo. Steve Myers for Assembly district 43, currently vacant. Eytan Kollin for Assembly district 44, currently represented by Anthony Portantino. Dan Fernandes for Assembly district 59, currently represented by Anthony Adams.

## Minority Report of the Donor Confidentiality Committee

We now turn to Mary Ruwart's minority report to the Libertarian National Committee from the LNC ad hoc Donor Confidentiality Committee. The report is a bit long, so a short summary is in order. Readers will recall that last Spring an effort was made to remove Lee Wrights from the National Committee, based on claims that he was not or had ceased to be a sustaining member of the National Party. During the affair, claims about Mr. Wrights membership status, in the form of a memo from Aaron Starr, appeared on IndependentPoliticalReport.com. According to Ruwart's report, the memo made a number of claims about Wrights that have not been substantiated and that were damaging to Lee Wrights.

At the Summer LNC Meeting, the LNC formed a Donor Confidentiality Committee to make recommendations to the LNC for protecting the good names of its donors. Chairman Redpath appointed to the committee Mary Ruwart, and then Mark Hinkle, Stuart Flood, M Carling,...and Aaron Starr, whose memorandum was the proximate justification for forming the committee.

The conduct of the committee, as described in the Minority Report, may be characterized as 'interesting'. Apparently Messrs. Carling and Starr wrote a 'final report', vetted by Mr. Flood, which they shared with Mr. Hinkle, but not with the fifth Committee member, Dr. Ruwart. There was allegedly a conference call to approve the report. According to Ruwart, Starr demanded that Hinkle exclude Ruwart from the conference call, and

*"When I told Mr. Hinkle that I was available for the meeting, he told me that I could not participate because Mr. Starr had specifically asked that I be excluded until the document was "finalized." When I pointed out that he, as Committee Chair, could overrule Mr. Starr's request, Mr. Hinkle said he was unwilling to do so because he felt beholden to Mr. Starr for preparing the report. Although Mr. Hinkle did not appreciate being excluded from earlier meetings, he was quite willing to continue to exclude me."*

We go downhill from here, and the details are on page 8, finally reaching Dan Karlan's demand that Ruwart suppress large parts of her own report. And now, the actual report:

## Minority Report of the Donor Confidentiality Committee

By Mary J. Ruwart, Ph.D.

The Donor Confidentiality Committee was formed to propose policy to protect the confidentiality of donor information and to prevent further instances of the negligence which resulted in Mr. Wrights' donor information being posted on public blogs. This Committee has not fulfilled its mission primarily because of the conflicts of interest that continue to drive it. As a result,

the LNC has opened itself up to the possibility of legal liability should future incidents occur.

### Why Donor Confidentiality Is Crucial

In July 2009, I proposed a motion to protect donor confidentiality at the LNC meeting in St. Louis (i.e., “except as required by law, all donor records will be treated as private and confidential”). The motion was inspired by Mr. Starr’s failure to label his memo of April 21, 2009 to the LNC concerning Mr. Wrights’ donor information as “confidential.” In the absence of such labeling, material posted to the LNC-Discuss list was routinely finding its way to public blogs. Indeed, Mr. Starr’s memo appeared on Independent Political Review (IPR) less than 18 minutes after it was sent to the LNC. It is possible that this nine page memo, with its small type, was read by an LNC member, sent to someone at IPR who read it, wrote the 3-4 paragraph introduction to the posting, and uploaded it. However, with the tight time window, it is more likely that someone already had Mr. Starr’s memo and was ready to upload it as soon as it was sent to the LNC.

In the industry I work in, failure to label proprietary information as “confidential” and to take adequate security measures to protect it, is a firing offense. While Mr. Starr routinely labels even his draft budgets as “confidential,” he neglected to do so for Mr. Wrights’ private donor information. Mr. Starr’s memo makes a number of claims that have not been substantiated, including the assertion that Mr. Wrights’ dues’ payment for 2008, made through Sean Haugh, was an “illegal contribution.” Mr. Starr also claims that HQ records indicate that Mr. Wrights’ dues lapsed in February 2004 and that he did not renew his membership until January 2005. Mr. Wrights has repeatedly stated that his February 2004 dues were paid by his wife, who was credited with a membership by mistake. He has also asserted that HQ was directed to correct his records prior to his election as Vice Chair in 2004. Mr. Dixon, who served as Chair during the time that Mr. Wrights was Vice Chair, recently wrote Chairman Redpath confirming that Mr. Wrights’ records were indeed in disarray during the time he served. In a telephone conversation with me, Mr. Redpath said that he found Mr. Dixon’s information vague and unconvincing. He pointed out that if Mr. Wrights had indeed paid dues in January 2004, UMP records should testify to that fact. Encouraged by his suggestion, and with Mr. Wrights’ permission, I investigated further.

Excerpts from UMP records from November and December of 2004 list Mr. Wrights with an expiration date of 2/24/2005. These reports would contain this information only if, at the time of their generation, Mr. Wrights’ last dues payment was listed in his records as 2/24/2004.

A December 2004 listing of national LP members broken down by state includes Mr. Wrights as well. Although this record does not list expiration dates, the inclusion of Mr. Wrights indicates that he was indeed a member in good standing when the list was generated.

Thus, the preponderance of the evidence (Mr. Dixon’s statement, UMP records from 2004, lists of national members by state from 2004) support Mr. Wrights’ contention that his 2004 dues had been paid and that he was indeed properly elected as LNC Vice Chair in that year. Evidently, his records at one time registered a dues payment on 2/24/2004, a notation which appears to have been removed at some later date either by accident or by design.

Unfortunately, Mr. Wrights’ record snafu is not unusual. After reviewing this material with me, Mr. Benedict stated, “I have lots of emails back from 2004 about lots of people having problems with their memberships when the conversion to the new Raiser’s Edge database occurred. Even before then, I have lots of email about problems keeping membership records straight. I will keep working to improve our database and record keeping.”

Now, dear colleagues, you can appreciate that we have a major public relations issue on our hands. Although Mr. Starr meticulously labels many things sent to the LNC as “confidential,” he neglected to take this standard precaution with his memo containing private donor information with which he was entrusted as Treasurer of this body. Clearly, we need a policy that mandates at least this minimal protection for contributions by our donors. We demand it of our mailing houses and other vendors when we give them donor information so that they can execute their duties. Surely we should hold our Treasurer and ourselves to the same standard.

If you have doubts about the importance of such a policy, consider the consequences of Mr. Starr’s negligence to both Mr. Wrights and to the Party. Let us first consider Mr. Wrights. If he stands for reelection to the LNC in 2010, he will have to counter false and derogatory statements made by Mr. Starr in his blogged memo. To appreciate their impact fully, imagine as you read them that they are said about your election to the LNC and about your membership status, lifetime or otherwise: Page 7: “Neither Mr. Wrights, nor anyone else on his behalf, paid his dues during the twelve months leading up to the 2004 convention, when it was believed that he was elected to the position of national Vice Chair for the 2004-2006 term.”

“While we all had believed that R. Lee Wrights had been elected to the board as the Vice Chair in May 2004, he was not elected Vice Chair because he was clearly not eligible due to his last gift date being February 24, 2003.”

“I do not know whether R. Lee Wrights knew that he was not eligible at the time of the 2004 convention, but he clearly was not.”

Page 8: “Because R. Lee Wrights was not a dues paying member at the time he ran for the Vice Chair position in May 2004, he was not elected Vice Chair and we did not have a legitimately qualified Vice Chair during that term.”

“R. Lee Wrights served as an at-large representative during the

2002-2004 LNC term; he failed to maintain eligibility to serve during the term, due to a lapse in his status as a current dues-paying member as of February 24, 2004.”

“R. Lee Wrights served as Vice Chair during the 2004-2006 term; he was ineligible to be elected to the position, and waited until nearly eight months into the term before taking action to become eligible.” Please note that there is no equivocation in these statements; they are made as if they were facts. Mr. Starr did not check with Mr. Wrights for verification prior to making these remarks. Had he done so, he would have saved himself and the Libertarian Party a great deal of embarrassment. Mr. Wrights has told me that every attorney he has checked with assures him that Mr. Starr’s words would likely allow him to prevail in a libel suit. Mr. Starr, who has criticized other members of this Board for using words that might create liability, has actually put this Board and the Party at risk. If we do not put policies in place to keep such things from happening again, we are setting ourselves and the Party up for future liability suits.

As our Treasurer, Mr. Starr’s failure to protect confidential donor information adequately and failure to verify it prior to making such strong, derogatory statements reflects badly on the Party itself. If this is how our Treasurer treats fellow Board members, what can the average donor expect from us? How can they be sure that our Treasurer or someone else with access to their records won’t use their contribution history to lambaste them rather than laud them?

How can we expect donors to send us money if we take no steps to protect their privacy? How can they expect us to keep accurate records if we can’t do so for At-Large representatives? If a Board member can’t get his records straightened out and is targeted with libel as a result, how can the average rank-and-file donor expect to be treated?

Our fiduciary responsibility to the Party requires that we take action to insure that private donor information will, in the future, be treated in a manner befitting its confidential status. It should be shared only with authorized personnel willing to take precautions to keep it confidential, except perhaps for publicly honoring---not dishonoring---donors.

### Why the Donor Confidentiality Committee Is Ineffective

When I presented my motion at our July meeting in St. Louis in an attempt to insure that private donor information would, in the future, be treated as confidential, Ms. Matteson suggested that a 5-person committee be formed, presumably to study the issue and craft a better solution than the one I had proposed. After the meeting, Chairman Redpath assigned Mr. Hinkle, Mr. Flood, Mr. Carling, Mr. Starr and myself to the Committee.

In my e-mail of August 7, 2009 to LNC-Discuss, I pointed out that Mr. Starr had a clear conflict of interest and should not be sitting on the Committee (hereafter referred to as the DCC). I asked the Chair to remove Mr. Carling as well. Mr. Carling is not a voting member of the LNC and is a close, long-term

associate of Mr. Starr’s who might have difficulty being objective in this matter.

Mr. Redpath responded that he had placed Mr. Starr on the DCC because he was the Treasurer; Mr. Carling was appointed because he was Chair of the Audit Committee. Mr. Redpath thus felt justified in letting these appointments stand, and neither Mr. Carling nor Mr. Starr offered to step down. The conflict of interest represented by these appointments has, in my opinion, driven the agenda of this Committee from its inception.

For example, on August 7, Mr. Starr issued a memo to the DCC to direct its activities. Since Mr. Starr was acting as if he had been appointed chair, I asked Mr. Redpath if he had made the appointment. He said he had not and appointed Mr. Hinkle as Chair on August 13.

I heard nothing further about this committee until Mr. Hinkle called me on Sunday, November 29, a little after 2pm CST. Mr. Hinkle informed me that a committee report, crafted by Mr. Starr and Mr. Carling, and vetted by Mr. Flood, had been sent to him the night before. Mr. Hinkle told me he felt “excluded,” since all this had taken place without his knowledge or participation.

I told Mr. Hinkle that I felt even more excluded, since no one on the DCC, including its chair, had bothered to send me the document. Since Mr. Hinkle did not immediately offer to forward it to me, I asked that he do so; to his credit, he immediately complied.

Mr. Hinkle went on to say that the document expanded member access to all details of Board Member donations, which would have retroactively whitewashed Mr. Starr’s failure to treat Mr. Wrights’ donor information as confidential. Mr. Hinkle told me that this was a deal breaker for him and that he intended to have it reversed in the conference call of the DCC which was at 3pm CST, approximately 20 minutes away.

When I told Mr. Hinkle that I was available for the meeting, he told me that I could not participate because Mr. Starr had specifically asked that I be excluded until the document was “finalized.” When I pointed out that he, as Committee Chair, could overrule Mr. Starr’s request, Mr. Hinkle said he was unwilling to do so because he felt beholden to Mr. Starr for preparing the report. Although Mr. Hinkle did not appreciate being excluded from earlier meetings, he was quite willing to continue to exclude me.

Around 4pm CST, Mr. Hinkle called again to tell me that the Mr. Starr had agreed to reverse the expanded member access to Board Member donation details. He said that the DCC wanted to meet with me in 10 minutes and get my approval so that it could be sent to HQ to be inserted in the binders for the upcoming meeting (the deadline for such submission was Monday morning, November 30). Since I had not yet been given the revised document, I told Mr. Hinkle that I would need time to review it.



Mr. Hinkle immediately sent me the revisions. As I perused the document, I realized that it needed more work and that time was necessary to consider its ramifications. Mr. Hinkle notified the DCC at 6:48 pm CST by e-mail that I would need approximately 24 hours to review and revise it. At 6:53 pm CST, Mr. Carling sent an e-mail to the committee, indicating that he was willing to send the document to HQ without my input if two other members supported this idea. I responded that I would submit a minority report if my input continued to be excluded. The other members of the committee elected to hear my comments.

The DCC met by phone to consider my revisions Monday night, November 30 at approximately 10pm CST. As I attempted to walk the DCC through my proposed changes, Mr. Starr continuously interrupted with patronizing diatribes. Our Treasurer, who has regularly championed "decorum" this term, was a poor example that night. Indeed, Mr. Hinkle complimented me the next day on my professionalism in this meeting, as he had expected me to "explode" in response to the repeated rudeness exhibited by Mr. Starr during the two hour meeting.

Mr. Starr's reaction was understandable, since I was trying to implement policy that would indirectly imply that his handling of private donor data was negligent. Mr. Starr had no way to appropriately manage his conflicts of interests on the DCC and appeared to be trying to manipulate the committee's outcome, by, among other things, limiting my input. By trying to send the DCC's report to the LNC without giving me time for a response, Mr. Carling may have been supporting his close friend in this endeavor.

My chief complaint about the document prepared by other DCC members was that it only specified who had access to donor information without addressing how it should be handled. Thus, it completely ignored the basis of my original motion.

As a remedy, Mr. Flood suggested that his Confidential Disclosure Agreement (CDA) might be amended to address my concerns. He and I agreed to work on this document the next day. Although the CDA now instructs contractors in the handling of confidential donor data, we did not have the time to appropriately adapt it for the LNC; thus, it does nothing to prevent a repeat performance by our Treasurer. My original concerns regarding how the LNC and HQ handle private donor information have still not been addressed. Consequently---and perhaps more importantly---the liability concerns also remain.

### The Reason for My Minority Report

Although I was prepared to make this report at the last LNC meeting, it appeared unnecessary since it became quickly evident that the LNC would not accept the DCC's proposed Policy Manual changes. Since Dan Karlan moved to postpone matters until Austin, I assumed the DCC would have time to reconvene and present something to the LNC which would address the concerns outlined above. However, after time was up on this matter, Mr. Starr claimed that the business of the committee

was finished, in spite of my objections to the contrary. He continues to do so over my objections on LNC-Discuss.

Since it now appears that the DCC will not be addressing the concerns which led to its formation, I feel compelled to submit this minority report in order to advise the LNC of:

1. The serious nature of the still-existing problem;
2. The need for action beyond what the DCC has proposed;
3. The conflicts of interest which would make further deliberations of the DCC unproductive.

In the near future, I will be proposing motions to deal with these problems since the DCC has not done so.

## Karlan Demands Ruwart Censor Her Own Minority Report

From: [dankarlan@earthlink.net](mailto:dankarlan@earthlink.net)

Date: Tue, Dec 22, 2009 at 11:17 AM

Subject: Re: [Lnc-discuss] Minority Report of the Donor Confidentiality Commi.pdf

To: Mary Ruwart, Bob Sullentrup

Cc: LNC Discussion <[LNC-Discuss@hq.lp.org](mailto:LNC-Discuss@hq.lp.org)>

RONR specifically includes "Refraining from speaking adversely on a prior action not pending" as a key component of decorum, and by extension, speaking adversely on a prior action not pending is a breach of decorum. To the extent that this minority report specifically does that, the content of the minority report is inappropriate. (RONR also strenuously advises against the use of members' names as much as possible, and this guidance is also violated extensively in the minority report.)

I ask Dr. Ruwart to remove that material and confine her comments specifically to the mission of the Committee and her disagreements with the report of the Committee. Until that happens, I strongly oppose inclusion of this minority report in the minutes. (For assistance, those indecorous comments are from the paragraph at the bottom of page 1 beginning "Mr. Starr's memo ..." through the end of the paragraph on page 3 beginning "As our Treasurer ...")

Furthermore, everything in the report under the heading "Why the Donor Confidentiality Committee Is Ineffective" on page 4 through the paragraph beginning "Mr. Starr's reaction ..." on page 5 should be removed as inappropriate. The minority report should limit itself to a statement of what is insufficient in the Committee report, and leave it at that. Using the minority report as the base from which to conduct personal attacks is a gross violation of decorum, and the report with those comments included must not be allowed to appear in the minutes.

Dan Karlan

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Minority Report of the Donor Confidentiality Committee

Karlan Demands Ruwart Censor Her Own Minority Report

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First Class Mail

Liberty for America  
c/o George Phillies  
48 Hancock Hill Drive  
Worcester MA 01609