Liberty for America

Journal of the Libertarian Political Movement

Volume 3 Number 1 June 2010

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Bovard Sues Barr 2008 Campaign!

We've previously covered the Barr campaign — I use the word broadly — and its huge spending on staff, real estate, consultants, limousines, indeed, many things except political advertising. The Barr Campaign ended, leaving behind it close to two hundred thousand in debts. You can wait a while to hope you will receive that which you are owed, but at some point you need to take positive action or kiss the money good day.

Libertarian Writer James Bovard is owed, say the Barr 2008 FEC reports, \$47,000 in authoring fees for the book that the Barr campaign published under Barr's name. After waiting, and waiting, Bovard filed suit for the money. From a longer story including the full complaint, read jimbovard.com/blog/2010/05/07/bob-barrs-lessons-in-liberty-1-pay-your-ghostwriter/. Bovard writes on his blog:

Bob Barr has once again made history. His is the only U.S. presidential campaign to ever be sued by its ghostwriter.

In June 2008, after Bob Barr captured the Libertarian Party nomination for presidential candidate, his campaign manager, Russ Verney, requested that I ghostwrite a campaign book. We came to terms, I wrote a book, and the campaign released Bob Barr's **Lessons in Liberty**.

The deal called for payment in full prior to publication. They paid less than half of what they owed. The Barr 2008 Presidential Committee's official financial statements, filed last month with the Federal Election Commission, states that they owe me a \$47,000 "authoring fee." [A copy of the campaign's most recent debt statement is included (on the Bovard web site). You can access the statement (at a link on the Bovard web site); the debt is on Schedule D]

Barr will be the keynote speaker at the Libertarian Party's national convention in St. Louis later this month. If you see Barr there, ask him about his authoring experience - and when his campaign is going to pay its debts...

It is unclear what assets that Barr 2008 campaign might have to pay the dents. Based on the FEC filings, there is a mailing list, some office furniture, and apparently improvements in a leased office.

The Barr Campaign Is still Spending Money. On What? Answer next month.

LP Convention Meets in St. Louis

The Libertarian National Convention met over the Memorial Day weekend in St. Louis. An interesting time was had by many. There were a series of bylaws and platform changes that we will need to cover in future issues.

The New Path slate, and thus, in considerable part, the plans it proposed, were almost without exception defeated. The only declared New Path supporter who was actually elected at the convention was Treasurer candidate James Oaksun.

Vote totals included (Counts as reported in Tom Stevens blog: DrTomStevens.BlogSpot.com

Chair (final ballot) Hinkle 281 Root 228

Vice Chair Rutherford 285 Marbry 201

Secretary Mattson 264 Marbry 195

Treasurer
Oaksun 319
Starr 133

Oaksun won the largest vote total, and had the largest victory margin, of any of the officers. Relative to the three prior votes, 120 or more delegates must have switched sides from the dominant coalition to Oaksun. An announcement that Oaksun had won was greeted with prolonged, raucous cheering, by far the loudest of the day.

The vote totals for the winners in the At-Large election were:

Wayne Allyn Root — 250 votes Bill Redpath — 225 votes Mary Ruwart — 202 votes David Nolan — 183 votes Kevin Knedler — 177 votes

There were a total of 13 At-Large candidates; New Path At-Large candidate Charles Wilhoit looked at the officer vote totals and chose not to be placed in nomination. I had already promised my support to four of candidates, and was not about to reduce their chances of winning by running against them.

The new LNC is: Chair — Mark Hinkle Vice Chair — Mark Rutherford Secretary — Alicia Mattson Treasurer — James Oaksun

At-Large: Kevin Knedler, David Nolan, Bill Redpath, Wayne Root, Mary Ruwart

The Regional Representatives and their regions, as listed by James Oaksun, were:

Region 1 (triple region of AL, AR, CA, GA, LA, MS, NC, OK, SC, TX) Doug Craig/Stewart Flood/Dan Weiner; alternates Brad Ploeger/Guy McLendon/Scott Lieberman

Region 2 (AK, FL, ID, MA, NH, TN, VT, WA) Rachel Hawkridge; alternate Vicki Kirkland

Region 3 (IN, KY, MI, OH) Rebecca Sink-Burris; alternate Andy Wolf

Region 4 (AZ, CO, HI, KS, MT, NV, NM, UT, WY) Norm Olsen; alternate Don Wills

Region 5 (double region of CT, DE, DC, ME, MD, NJ, NY, OR, PA, RI, VA, WV) Dan Karlan/Jim Lark; alternates Carl Vassar/Marakay Rogers

Region 6 (IL, IA, MN, MO, NE, ND, SD, WI) Dianna Visek; alternate Randy Eshelman

New LNC Meets

First, the protagonists. I've divided them into four groups using James Oaksun's coalition analysis.

Chair Hinkle – very long-time dominant coalition man; Project Archimedes advocate Vice Chair Rutherford – dominant coalition; Root man

Liberty for America is published by George Phillies, 48 Hancock Hill Drive, Worcester MA 01609 (508 754 1859). To Subscribe, go to LibertyForAmerica.com and click on the 'subscribe' button. Back issues of Liberty for America magazine are available on the web at http://LibertyForAmerica.com/LFAMagazine.htm.

Secretary Mattson – dominant coalition
At-Large Redpath – dominant coalition
At-Large Knedler – dominant coalition; Root man
Regional Rep Karlan – dominant coalition
Regional Rep Lark – dominant coalition
Regional Rep Wiener – dominant coalition
Regional Rep Flood – dominant coalition
Regional Representative Sink-Burris – dominant
coalition

At-Large Nolan – major Hinkle-for-Chair advocate; tagged by his endorsements.

Regional Rep Craig – Georgian. 2008 Barr supporter.

At-Large Wayne Root – his own man. Regional Rep Norm Olsen — ran against New Path supporter

Treasurer Oaksun – New Path Regional Rep Hawkridge – New Path Regional Rep Visek – not New Path member, but offered motion implementing two New Path ideas

At-Large Ruwart - radical

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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.

That's 10 dominant coalition people, plus four likely dominant coalition supporters.

By my count, the dominant coalition has increased its strength on the LNC. That vote division will not protect Oaksun or Ruwart from suspension, should the question arise. Mr. Starr may not be on the LNC, but several of his friends are. It would also not block the widely-rumored motion to expel me from the party, in the case that my supporters on the committee did not honor my request that they abstain on any such motion, and vote against any parliamentary effort to avoid a vote on such a motion.

We now come to the meeting. On the bright side, the meeting was adequate to disprove any claim that serving on the LNC would be a positive benefit if you want to be Chair. Rumors that if you serve on the LNC you will have some idea how to run an LNC meeting are clearly false.

The meeting came to order at the expected hour. The Chair arrived with no agenda. He was saved because there is a default agenda in the policy manual. Indeed, since I was sitting right behind them, I can note that Secretary Alicia Mattson repeatedly put the new Chair back on course. The Chair expressed an opinion on whether the Chair can vote, the position opposite to Roberts, and the parliamentary folks failed to correct his error.

Generally, when there is a change of Administration, a new CEO arrives with at least a modest statement of his issues, plans, intents, and targets for his term. This is called landing at a run. Yes, we have a CEO, our Chair. Those of you who attended the National Convention might have noticed that Mr. Hinkle, prior to his election, had set out a list of things we ought to do, admittedly with no indication of method, time line, or budget. He did not mention his own list. Launch of LNC activity for the new Committee has been postponed until the next meeting, sometime in July.

The LNC did take public comments. Public comments have historically been ten minutes at the meeting's opening for people other than LNC members to say things. The public comments actually dragged on for the better part of an hour. This meeting was

very short, 2.5 hours, so the need for a schedule was intense. Past chairs have used clocks and time controls, even at first meetings, to keep the meeting on schedule. In past meetings, the public comments were actually comments by the public. The public comments here repeatedly devolved into the LNC members talking with each other.

We did have Mr. Snitker, who is running in Florida with a very well-organized campaign, claim that he had a serious chance of winning and should be given all resources possible. Snitker is in a four way race, the Florida governor having bolted his party to run as an independent against his party's presumptive nominee. Historically, the press has mental problems coping with more than one third-party candidate.

We have tried Snitker's proposed approach of throwing all our resources at one candidate repeatedly, most recently in Mr. Badnarik's 2006 Congressional campaign. Note also the Murray Sabrin Campaign in New Jersey, at least one campaign in Michigan, and arguably one campaign in Massachusetts. The approach has always failed. Mr. Snitker is doing what he can with his resources. It appears to be a good investment for Floridians; others would do better to keep their money in their home state.

Last year, the LNC adopted a self-modifying policy manual. The National Secretary can make changes, and if the LNC does not object the changes go into effect. To quote the policy manual:

"The Secretary may propose adding or amending annotations in the form of endnotes and introductory language to provide relevant references to authoritative statutes, the Party's Corporate Charter and Bylaws, the parliamentary authority, and explanations as to how Special Rules of Order differ from the parliamentary authority. The Secretary shall promptly submit such proposals to the LNC, along with any written opinions provided by the Party's parliamentarian. These proposals shall be considered adopted thirty days thereafter or upon the close of the next LNC meeting, whichever is sooner. The LNC may veto such proposals by majority vote prior to adoption."

The LNC seems to have ignored the issue this meeting. The Policy Manual being passed about was the December 2009 policy manual, not any manual that the Secretary was may have prepared and presented more recently.

There is a point at which the LNC or its chair appoints committees as specified in the Bylaws and policy manual, for example the executive committee elected by the LNC. A reasonable Chair would have arrived with a list of those committees, the appointment rules, etc., and some leadership discussion. The Chair did have a list of three nominees for the Executive Committee, who were accepted after the number of candidates for the Ex-Comm got up to ten.

I did hear the chair say specifically that there are no minutes to Executive meetings. Executive Committee or Executive Session? Historically, Executive Committee meetings have been minuted. You can read quotes in my book Funding Liberty. Executive Session? According to the LNC Policy Manual, there are two categories of topics for executive sessions. One set of topics are not minuted. The other set of topics are required to be minuted. If you think Executive Session meetings are without exception not minuted, you should read the LNC Policy Manual.

Some time back, the LNC apparently passed a rule that all substantive votes must be roll call votes, as should all procedural votes for which any one LNC member requests a roll call. I am trying to find the reference. In any event, at the end of the meeting, Mr. Sarwark said so when he was kind enough to remind the LNC of its own rules on this point. Apparently the long years of sitting on the LNC had not brought this issue to our new Chair's attention. There were almost no roll calls. If you want to know how your regional representative voted, you are out of luck, because almost no roll calls were taken.

There came a discussion of dates for LNC meetings. Suggestions that the LNC should end its custom of pandering to the far right died quickly. The next LNC meeting will be at the Freedomfest, a far right Las Vegas event, and not, e.g., at PorcFest, a real libertarian event in New Hampshire.

There was a discussion of the timing of the Fall LNC meeting. October? Several LNC members are also running for high Federal office, and view their Federal campaigns as more important than their National Committee duties. Eventually the National Treasurer, James Oaksun, indicated that the budget meeting had to be later in the year than October, because we needed more financial data than would be available in October. The core issue here is that the National Officer elections were Sunday, the LNC meeting was Monday afternoon, and the new LNC chair had seemingly not contacted his own Treasurer in the intervening day to reach agreement on when the budget meeting might effectively occur.

Several in the meeting said that it might be worthwhile to look at the election results, which will be available and analyzed two weeks into November. People who have been on the LNC might have noticed that we have usually done the budget meeting in December. The budget meeting ended up in early November.

Incidentally, Starr was knocked off the LNC by an overwhelming vote and the raucous applause of the delegates. At the LNC meeting he parked in the gallery as close as possible to the committee and spent much of the meeting with his hand up hoping to be recognized.

Comments from the floor showed another aspect of weak chairing. The Policy manual provides "4) Open Meetings LNC meetings are open to Party members, except while in Executive Session. However, participation is not permitted except by majority vote of the committee."

The Chair sat there while other LNC members seemed to have individually recognized nonmembers to address the LNC. To his credit, Mr. Seebeck asked if he had permission.

New Regional Representative Dianna Visek proposed establishing an Outreach committee, a collection of people to spread the Libertarian message to a vast range of people with different interests, issues, and native languages. The notion was a committee of LNC members and others who could use their own life experiences to construct messages that

speak to Americans of different backgrounds. The immediate response of the prior National Chair, William Redpath, was that we should not form an LNC committee, we should hire another staff member in the Watergate. Just think, instead of using volunteers who can, for example, give us messaging in Vietnamese, Portuguese, French, Hmong, and Spanish as spoken in Puerto Rico, the languages we could use here in Massachusetts, and leave behind money for broadcasting the message, we could hire someone else to work in the belly of the beast. And if you were wondering how Mr. Redpath's thought processes on using our volunteer base worked, you now have an indication.

We now come to the imminent California ballot access disaster. A year and a half ago, it was known that the California TopTwo primary was likely to destroy our California Ballot access. We'll have the description of why no action was taken then by Libertarians as a separate report in a later issue. It speaks to someone you might want to reconsider as your advisor on ballot access.

In any event, the absentee ballots went out by mail early in the month, and the election is June 8. A fair part of the electorate has already voted. The LNC, last week, voted \$10,000 for radio ads. Mr. Flood assures me that \$10,000 was the most he thought he could get at the last LNC meeting of the term. At the first meeting of the new term, he asked for another \$15,000, hoping the new committee would be more supportive. Did the LNC act? No. It referred the spending decision to its Executive Committee. Wayne Root made an excellent speech – his first of any length -- urging the LNC to make the decision itself, and spend the money. The LNC instead passed the buck. There was a motion to refer to committee, the Executive Committee, which made a decision Tuesday evening. On the bright side, the vote on the ExComm was reportedly 6-1 positive, Mattson opposed. Fortunately, the motion passed in time.

If you were looking for progress with the new LNC, you may well want to try someplace else. However, there are more meetings to come, and a very slow start does not guarantee a late finish; it's just suggestive.

Texas Libertarian Attacks Massachusetts Affiliate

In the midst of our national convention, Texas Libertarian Nancy Neale launched a pointed attack on our Massachusetts state association. In a flyer handed out to all delegates, she wrote:

"but the LPMA seems to no longer exist. On the LPMA.US (the one you end up at fromLP.org) the header has "Libertarian Party" but the "About" page calls themselves the "Libertarian Association of Massachusetts" and is merely "an organization dedicated to personal and economic freedom" and supporting candidates. What happened to the LPMA? They no longer have ballot-qualified status; it would've been difficult, but not impossible, to reclaim it. (Just ask the ballot access guru Richard Winger for details.)"

Readers from Massachusetts may recognize that the above claims are gravely at variation with reality. The following are the true statements.

Massachusetts Libertarians have ballot access. If you live in Massachusetts today, and satisfy various petitioning and voter registration requirements, you could appear on the ballot in 2010 with Libertarian shown as your party.

In 2012, Massachusetts Libertarians will still have ballot access. If you live in Massachusetts in 2012, and satisfy various petitioning and voter registration requirements, you will be able to appear on the ballot with Libertarian shown as your party. Nothing we do in 2010 will change your ability to run as a Libertarian in 2012. In Massachusetts, there is no legal way to change our ballot access. You can run as a Libertarian. You can register as a Libertarian. That status was created by a petition filed once, many years ago.

The Massachusetts state affiliate of the national Libertarian party actively encourages Libertarians to run for office, and helps them to do so within the limits of election laws. This year, several members of our State committee are on the November ballot for state legislature. At least five people of broadly libertarian

inclination are running for U.S. Congress, not as Democrats or Republicans. Four people are apparently running for Governor's Council-Massachusetts has an 8-member top of our tricameral legislature-on a specific arguably libertarian plank. We also actively do outreach, local organizing, and all the other things done by successful party affiliates. Indeed, unlike many state affiliates we have a monthly newsletter, a recently-revamped Web page that is still a work in progress, an active program of recovering expiring members, and a program of recruiting among libertarian-leaning activists of other political parties. We also maintain several blog pages and do active Facebook advertising.

Our Massachusetts state affiliate was originally "Libertarian Association of Massachusetts", remained so for several decades, and then for a decade was "Libertarian Party of Massachusetts". We have returned to our roots. We continue to do the same things, within our specific legal framework, that are done by successful libertarian parties in other states.

In Massachusetts, parties can not put candidates on the ballot. Candidates must do so themselves. The State Affiliate has a \$500 legal limit on out ability to give to support non-federal candidates. If you want to support a candidate yourself, you must be a private person or Massachusetts state PAC. It is illegal under federal and state law for federal PACs such as the LNC to give to non-federal candidates in Massachusetts.

In Massachusetts, "Libertarian" can refer to a major party or minor party (our state laws use different terms of art). For all candidates except President of the United States, gaining major party status makes it much harder to collect enough valid signatures to get on the ballot. Yes, the D and R parties prefer it this way, because it makes harder for them to run candidates in each other's primaries. In Massachusetts, "party" is a legal term of art for specific organizations; it may or may not apply to us. Using the term Party rather than Association therefore could potentially create legal confusion that we do not want.

The URL LPMA.org is not owned by the state association. It was created many years ago by people who are no longer members let alone activists of our

state association. The owner is a New Hampshire resident who refuses to hand over the URL registration. He does point his URL at a URL that the state affiliate owns. He also for some time was using his forwarding page to advocate for a Republican presidential candidate.

Your Massachusetts State Affiliate does occasionally receive contacts from people in other states trying to make out political decisions for us. Their ignorance of facts and laws pertaining to our operations tends to be astonishing. My best advice to you is that when you see someone from outside Massachusetts making claims about our ballot access status, proposing to do things inside Massachusetts, etc., please ignore them; the odds are extremely good that they do not know what they are talking about.

Where Your Money Went --LNC April 2010

The LNC began April with \$150,318.40 cash on hand, had \$191,140.18 in income and \$91,675.68 in expenditures, and ended the month with \$249,782.90 cash on hand. Total income to date for the year was \$608,468.45. However, that income number includes very considerable income corresponding to the National Convention; we must wait to see how matters ended up.

On the bright side, buried in that \$91K in expenses was a Facebook Ad Charge for \$229.69. That was the spending on real politics.

The Watergate Offices cost \$10.5K.

Information Technology expenses included:
Email Marketing Services 3000.00
LP.org Website Management 2600.00
Computer and Server Repair and Maint. 1403.75
Phone and Data Services 1187.18
Website Hosting Service 649.00
Email Server Hosting 574.00
Cable Services 220.00

You see here over \$10,000 a month for various information technology activities. The IT experts on the New Path Team were completely staggered by

the large size of these numbers relative to what we are buying.

You can expect more details in future issues. Also, expect broader coverage. In particular, the Massachusetts "Small Government" people, who I have largely ignored since 2002, showed up by letter at the LNC convention, with endorsements for Chair candidates. Thank you for reminding me of your existence; we'll be covering your spending activities again.

Carpetbaggers At National Convention

Those of you who attended the 2002 LP National Convention in Indianapolis will remember the *Carpetbaggers for Eli* — that was the badge several of them wore. These were the two dozen Indianans added to the 2002 Massachusetts delegation as a dirty trick of Indiana State Chair Mark Rutherford, to pack the National Convention in support of the (failing) National Chair campaign of Eli Israel.

The Indiana Party is up to its tricks again. This time, 15 Indianans were added to the delegations of Kentucky, Michigan, Ohio, and South Carolina. Another 10 Missouri libertarians were added to the state delegations of Alabama, Georgia, Minnesota, and other places. That's convention packing, back from the dead.

Let's start at the beginning. We return to the August 2002 Let Freedom Ring!, which you can read at cmlc.org/letfreedomring.htm. The article is page 1, top left column. I quote from my own article:

"I was delighted to leave the surplus of my hospitality suite with the LPIN. I am even happy to specify that that it was very generous of LPIN chair (and LNC member) Mark Rutherford to supply the LPMA delegation with a list of Hoosiers who wanted to be seated as Massachusetts delegates 'so they could attend National' because 'their state delegation was full'. Returning the courtesy, the LPMA delegation narrowly voted (2-vote margin) to seat the 15. Admittedly, I was busy with my own campaign, but I recall seeing only two Hoosiers at the delegation vote to admit them. I first saw the rest of them Satur-

day morning at the National Chair vote...

Many convention delegates were dismayed. Once they learned about the delegation packing, the first supplemental credentials committee report was rejected by the convention. Future reports proposed separately 'Delegates Seated With Their State' and 'Delegates Seated with Another State", the former being approved readily.

The 2-vote margin in the Massachusetts delegation to seat the Indianans with Massachusetts appeared to have been supplied by three Massachusetts delegates who have regularly been paid by the Howell Campaign, the Cloud Campaign and Howell's Small Government campaign."

and from the September 2002 issue of Let Freedom Ring!:

Let Freedom Ring! has researched the claim that delegates from the convention state were commonly used to fill in delegations from other states. In 2000, the National Convention was in Anaheim, California. A grand total of two California residents were seated that year with other delegations. North Carolina—which did not have a full delegation—had four North Carolinians seated in other states. The only substantial group seated elsewhere were Arizonans, because of the ongoing dispute as to who was the legitimate Arizona Libertarian Party.

Was this a real effort to pack the Massachusetts delegation? As your editor said, tongue slightly in cheek, in another venue:

"Just because the list of Indianans to be added to the Massachusetts delegation was supplied by one of Mr. Israel's endorsers in Indiana [the Tennesseean who was added to the MA delegation and who nominated Eli brought himself to the MA delegation], just because almost without exception I only found these Indianans (remember, I was a Massachusetts delegate, too) with the Massachusetts delegation in time for the Saturday morning vote for National Chair (most of them were gone by the afternoon, if there had been a second ballot), and just because two of them were seen to be wearing "Indiana Carpetbagger for Eli" buttons, there is no reason to become suspicious."

To my remarks, Richard Freedman of Massachusetts responded: "Let me add to the list, having been a voting observer in the MA delegation: '...just because these Indianans, without exception, voted for Eli Israel...' (That is, not every Indianan added to the MA delegation voted. But every one who did, voted for Eli.)" [GP: In 2002, MA required delegates to cast recorded votes to be reported to the State Party.]

In the end, the victory margin in the chair vote was large. However, the vote for Vice Chair was very close. One might legitimately wonder whether these people (though many left early) did not signify, or whether Indiana State Chair Mark Rutherford and his Massachusetts cronies managed to procure the National Vice Chair election for Indianan Ken Bisson via these carpetbaggers and their morning gladhanding and campaigning.

There's convention packing.

This time, at a key point in the elimination sequence the vote for Chair was close, and we will have to wait for the state-by-state vote totals to see if the Indiana carpetbaggers changed the Chair election.

Takenaga Endorses Root

In a full page flier extensively circulated at the National Convention, California State Chair Kevin Takenaga endorsed Wayne Root for National Chair.

On a flier headed "Wayne Root endorsed by State Chairman of Largest LP Affiliate in USA" the quote from Takenaga reads "Wayne Root is relentless and that's just what the Libertarian Party needs."

So Where are We Going?

Future issues of Liberty for America welcome reader essays on where our Libertarian Party is or is not going. Is *more of the same* going to work as an answer? Are their *other alternatives to the LNC and its party organization?*

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Run for office

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Liberty for America http://www.LibertyForAmerica.com complete with Liberty for America back issues, policy statements, press releases, and draft state by-laws.

Liberty for America Liberty for America is not currently a political party.

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Liberty for America has a Federal PAC —we actually support real Libertarians when they run for Federal office.

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