

Liberty for America

Journal of the Libertarian Political Movement

Volume 4 Number 5

October 2011

LNC Continues to Defy JudComm Judicial Committee Issues Clarification LNC Motion to Comply with JudComm Is Losing

Oregon Articles Start on Page 2

OCPF Finds Howell Referenda Committees Did Not Comply With MA Campaign Finance Law OCPF Implies Committee Funds Went For Personal Use

The Massachusetts Office of Campaign and Political Finance (OCPF) has concluded a review of spending by Carla Howell's 'Committee for Small Government' and 'Alliance to Roll Back Taxes'. The OCPF is the Massachusetts equivalent of the Federal Election Commission. The OCPF found that the Committees in question did not comply with campaign finance law MGL c. 55 Section 6, which allows expenditures "so long as they are not 'primarily for any other person's personal use'."

In particular, according to the public-record OCPF statement, in the period 2007-2010 the two organizations paid Howell \$16921.50 to cover bills for EZ Oil, Comcast, and NStar service to her home. Howell informed the OCPF that the Ballot Question Committees in question used her home as an office, and paid certain utility bills as a result. The OCPF found that the expenditures were not 'reasonable and necessary' and did not comply with the section of law prohibiting personal use of committee funds.

Howell agreed that, to resolve this matter, she would forgive \$6000 of debts owed her by these Committees, and the OCPF would consider the matter closed.

Oregon Nominates James Foster



Meanwhile, LP-Oregon has nominated James Foster to run for Congress in the special election, to replace the disgraced and resigned Congressman Wu. You can see the nominating convention at <http://vimeo.com/29993561> Foster's web site says of him "James Foster (age 53) is a software engineer in Beaverton, Oregon. He campaigned for Ed Clark for President in 1980 and has supported the Libertarian Party ever since.." Foster won nomination at a special convention of the Libertarian Party of Oregon. The Oregon Secretary of State has said he will accept the nomination papers from Wes Wagner.

LPMass Triples Income

The Treasurer's report for the Libertarian Association of Massachusetts, covering the 2010-2011 Committee reports \$12,588 in income, more than three times the \$3745 that LAMA raised in 2007.

Table of Contents

LNC Continues to Defy JudComm—Judicial Committee Issues Clarification—LNC Motion to Comply With JudComm Is Losing—OCPF Targets Howell On Personal Use of Campaign Funds—Oregon Nominates James Foster—LPMass Triples Income—Ken Moellman Does Well in Poll—Hinkle Responds to Wagner Request for Clarification—Ruwart Differs with Hinkle—Judicial Committee Rejects LNC Claims—Hinkle Rejects LNC JudComm Finding—Hall Chides National Committee —LNC Reinstatement Motion—Judicial Committee To Oregon: Remedies Exhausted—Georgia Party Condemns LNC, Seeks Removal of Flood —LNC APRC Decision Over-ridden—LP Membership Down, Income Up—Benedict Gives LNC 90 Days Notice—LNC Motion To Buy Building— Free State vs. Social Reaction—More Florida Far-Right Infiltration—Ron Paul Proposes to Nullify First Amendment—JudComm Clarification(page 11)

Ken Moellman Does Well in Poll

Libertarian Ken Moellman of Kentucky did extremely well in a public opinion poll in Kentucky. As now widely reported in the press, he had 16% of the vote, putting him only modestly behind Republican K.C. Crosbie (at 28%) though still well behind Democrat Todd Hollenbach (at 43%). Moellman reports “Since then, we’ve received unconfirmed information that the race is now somewhere around 45/25/20!”

As a youth outreach scheme, Moellman’s bumper stickers include “QR codes”.

Hinkle Responds to Wagner Request for Clarification

In our last issue, we reported that LP Oregon Wes Wagner had appealed to the National Party Judicial Committee, asking them in light of continued LNC defiance to clarify their findings. LNC Chair Mark Hinkle it seems responded to the Wagner Request, proposing that Wagner had no right to request the clarification, because Wagner is not a National Party member or part of the LP Oregon leadership. Hinkle we are told wrote:

Dear JC Chairman Hall and members of the Judicial Committee,

Since Wes Wagner is no longer a dues paying member of the national Libertarian Party, does he even have standing to make the appeal/request clarification <see below> ?

His membership lapsed back on 10/15/08 btw. Well before all of the drama in Oregon.

And per the LPO Bylaws, the Wagner faction leadership terms have all expired (at the end of the convention that Wes Wager called, but failed to attend).

Our Bylaws say an affiliate may appeal a disaffiliation vote (which has not occurred), but since the Wagner faction is not the leadership of the LPO, how can they appeal anything to the JC?

Furthermore, the JC has ruled that the LNC EC can't disaffiliate the LPO, which I totally agree...only the entire LNC may do that, so just what is it he's appealing?

As I read our Bylaws, only an affiliate may appeal a disaffiliation vote to the JC. And since the Wagner faction is not the leadership of the LPO, it sure seems to me that they have no standing to appeal anything nor to request a clarification of the JC.

What say you?

FYI & RSVP.....Mark Hinkle, LNC Chair

The topic was discussed by the LNC. We are told that Wes

Benedict said that 37 of the 50 State Chairs are dues paying members of the National Party.

In the same stream of forwarded messages, someone identified as Dan Karlan indicated:

“No, Wagner is not a National LP member, since 2008 (well before this particular dispute emerged). Nor are 2 of the other 3 'officers' in his group.

Tim Reeves IS a National LP member.

Dan Karlan”

Readers are left to wonder how Karlan obtained his membership information, which is not generally available.

Ruwart Differs With Hinkle

We are advised the Mary Ruwart wrote:

I believe that the LNC requires a clarification of your recent ruling. LNC Chair Mark Hinkle wrote an e-mail on Sept. 5 (copied below in its entirety) which seems to contradict my understanding of the JC’s position.

In this e-mail, Chairman Hinkle writes “The JC's decision, as I interpret it, is that the LPO (Libertarian Party of Oregon) has no leadership. Their Bylaws clearly state the term of office for the past LPO Chair, Wes Wagner, has ended along with the other past officers. The JC does not recognize the LPO leadership (Tim Reeves) that the LNC EC sought to recognize, therefore there is no leadership in the LPO.”

The JC ruling stated that “We find that the Libertarian Party of a particular state, in this case the state of Oregon, is the entity that is recognized by the secretary of state, in this case the Secretary of State of Oregon.”

My understanding is that the SOS of the Oregon does recognize Wagner et al. as the officers of the current LPO. Therefore, it seems that our LPO affiliate does have leadership (i.e., Wagner et al.), contrary to Chairman Hinkle’s assertion. Is this the proper interpretation of your ruling?

Chairman Hinkle seems to acknowledge this when he says, “The SOS there may still recognize Wes Wagner as LPO Chair (for life if he chooses), but we don't.” His statement that “we don't” presumably refers to the LNC.

The JC ruling also states, “The state’s party that is recognized by the secretary of state may, under the bylaws of the National

Liberty for America is published by George Phillis, 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>.

Libertarian Party, be disaffiliated by the Libertarian National Committee if ¾ of its members vote in favor of a motion of disaffiliation for stated cause.”

I interpret this statement to mean that the LNC must recognize the SOS designated officers (i.e., Wager et al.) as the officers of the LPO unless the LNC has a successful disaffiliation vote. Is this the proper interpretation of your ruling?

The Chair justifies his failure to recognize Mr. Wagner on the grounds that “Their Bylaws clearly state the term of office for the past LPO Chair, Wes Wagner, has ended along with the other past officers.” Chairman Hinkle is referring to the LPO bylaws of 2009, not the ones submitted and accepted without challenge by Mr. Wagner to Oregon’s SOS. My understanding is that the JC, in saying that the LPO is that “entity” recognized by the SOS, is also saying that the LPO bylaws on file with the SOS are the ones in effect. Is this the proper interpretation of your ruling?

I believe a clarification of your ruling will greatly aid the LNC in moving forward. Thank you and the other members of the JC for considering this matter.

Judicial Committee Rejects LNC Claims

In a firmly-worded clarification found in full on page 11 of the electronic edition of this newsletter (as available on our web

**Sample—This is your sample issue of
Liberty for America**

For more issues, **subscribe!**

Subscriptions are free at no charge.

To subscribe, go to LibertyForAmerica.com
And click on the Subscribe button

Join **Liberty for America**—\$15.

Donate electronically at LibertyForAmerica.com
Checks, payable Liberty for America, to George
Phillies, 48 Hancock Hill Drive Worcester 01609.

Membership lets you call yourself a member.

Liberty for America will be performing political acts, 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. Paid for by Liberty for America. Your donations may be used in relation to a Federal Election.

site at LibertyForAmerica.com/LFAMagazine.htm), the National Party Judicial Committee ruled in favor of the LP of Oregon, Wes Wagner, Chairperson. In particular:

“...We did not rule that the LPO has no leadership...The Bylaws of the national Libertarian Party grant the Libertarian National Committee the power to affiliate and disaffiliate (state level affiliates)...They do not grant the LNC the power to interpret and the enforce the bylaws of a state party...The interpretation of a state-level affiliate’s bylaws is an internal matter for the members of the state-level affiliate to pursue...

“...it the LNC desires...to cease(e) to treat the Wagner group of officers as its state affiliate contact in Oregon, its avenue...is...to take formal action to disaffiliate for cause, by a 3/4 vote...Until...that occurs, the LNC must continue to treat the Wagner group of LPO officers similar to other state-level affiliate officers (for example, by providing monthly data dumps, and recognition on the lp.org website as the official LP state affiliate in Oregon.)”

Hinkle Rejects LNC JudComm Finding

Multiple sources report that LNC Chair Mark Hinkle promptly responded to the National Party Judicial Committee by writing:

Dear JC Chairman Bill Hall,

I’ve read the clarification of the LP JC decision regarding Wagner vs. the LNC. I have a question for the entire JC regarding this statement:

“Until such time as that occurs, the LNC must continue to treat the Wagner group of LPO officers similar to other LP state-level affiliate officers (for example, by providing monthly data dumps, and recognition on the lp.org website as the official LP state affiliate in Oregon)”.

Please show me in the LP Bylaws where the JC has the authority to issue such a statement. Data Sharing with affiliates, as far as I can determine, is not codified in the Bylaws. So, it would seem to be outside the authority of the JC to issue such a ruling. Likewise, there is no mention of our web site in the LP Bylaws. So, again it would seem to be outside the authority of the JC to issue such a ruling.

According to our current Bylaws, Article 9: Judicial Committee, Section 2:

2. The subject matter jurisdiction of the Judicial Committee is limited to consideration of only those matters expressly identified as follows:
 - a. suspension of affiliate parties (Article 6, Section 6),
 - b. suspension of officers (Article 7, Section 8),
 - c. suspension of National Committee members-at-large (Article 8, Section 5),
 - d. voiding of National Committee decisions (Article 8, Section 13),

- e. challenges to platform planks (Rule 5, Section 7),
- f. challenges to Resolutions (Rule 6, Section 2), and
- g. suspension of Presidential and Vice-Presidential candidates (Article 14, Section 5).

The line “2.a suspension of affiliate parties (Article 6, Section 6)” seems to be the only relevant rule here.

Since there are affiliates that we don’t, currently, send data dumps to for reasons other than disaffiliation, i.e. there’s no one to send the data to, there is no connection between data dumps and disaffiliation. And since there is nothing in our By-laws that require the LNC to link our web site to affiliate party web sites, that too seems to be outside the jurisdiction of the JC.

Would you please confer with the entire JC and let me know your thoughts on this matter.

Yours in liberty.....Mark Hinkle, LNC Chair

Hall Chides National Committee

As forwarded to us:

Dear Mr. Hinkle:

The Judicial Committee is not willing to issue any further clarification of its opinion in the Wagner matter, or engage in an ongoing argument over the basis for its decision.

Personally, I feel that our decision could not have been clearer, and it is now up to the Libertarian National Committee to decide whether it will comply with the Libertarian Party Bylaws, as duly interpreted by the Judicial Committee.

Very truly yours,
Bill Hall

LNC Reinstatement Motion

The LNC has been presented with a motion directing that the Judicial Committee findings be obeyed. The sponsors of the motion were Mary Ruwart, Doug Craig, Vicki Kirkland, and Norm Olsen. The motion reads:

“That the LNC direct our ED to reinstate Wagner et al. as our official LPOregon affiliate as per the JC decision of 8/26/2011 and the JC Clarification of 9/23/2011.”

Votes are due by October 16. As of this writing, the votes are reported to be:

Votes in favor of the motion: Norm Olsen, Mary Ruwart, Vicki Kirkland, Brad Ploeger (alternate in the region with Flood and Craig)

Voting against the motion: Daniel Wiener, Kevin Knedler, Wayne Root, Alicia Mattson, Randy Eshelman, Andy Wolf, Dianna Visek, Dan Karlan

Welcome to Liberty for America!

A magazine. A web site. An organization. **Liberty for America** has had several inquiries on launching **Liberty for America** Chapters across America. A draft set of state/regional By-Laws appears on the **LibertyforAmerica.Com** web site.

Not yet heard from, according to my sources: Bill Redpath, Rebecca Sink-Burris, Stewart Flood, Jim Lark

Vice Chair Rutherford proposed that the motion was out of order, because Oregon had not been disaffiliated. In response to this, Mary Ruwart is said to have written:

“Mr. Rutherford is in error about this motion being out of order. Wagner et al. need “reinstatement” (note that I did not say “re-affiliation,” as Mr. Rutherford erroneously claims) because, in violation of our bylaws, our Chair has decided that Wagner et al. are not to be given the same information that other affiliates get (data dumps and a link to their website on www.lp.org). This motion seeks to reinstate Wagner et al.’s access to the items which we give to every active affiliate and their officers. The JC specified these items explicitly in their clarification.

Since we have denied Wagner et al. this access for several months, the LNC is out of compliance with the LNC bylaws and has been so for some time. Our Chair instructed our ED to withhold data dumps and remove the LPOregon web site links from our national web site shortly after the EC, in violation of our bylaws, attempted to recognize a new set of officers. Even after the JC’s decision of 8/26/11 ruled the EC’s action out of order, our Chair refused to reinstate Wagner et al. Our Chair claimed that the JC decision meant that the LPOregon had no leadership.

The JC Clarification of 9/23/11 indicated that this interpretation was incorrect and that the leadership of LPOregon was Wagner et al. The clarification also stated that if we did not wish to have Wagner et al. as our affiliate that we could disaffiliate them by a 3/4th vote of the LNC for cause, as per the bylaws. If and until such an event occurs, we have been told by the JC that we must give Wagner et al. data dumps and a web link.

Our Chair does not seem inclined to take the actions necessary to bring the LNC into compliance with our bylaws. Unless we take action to come into compliance, the LNC as a whole will be considered to be a party to the non-compliance. This will reflect on each of us personally.

However, this should not be our main concern. Our main concern should be the members who entrusted us with governing the LP in accordance with the bylaws that they provided us.

The members have stated explicitly in the bylaws that the LNC is not to interfere in the affairs of our affiliates. I am going to review what has occurred so that you can get a feel for how these events are likely to make us look like a renegade LNC if we fail to pass this motion.

Last November, our Secretary, Alicia Mattson, with the blessing of our Chair, Mark Hinkle, violated the non-interference-with-affiliate principle by pressuring the LPOregon officers into accepting a questionable interpretation of Robert's Rules. This interpretation, which has been disputed by other parliamentarians, set the LPOregon quorum requirement at 50% of their membership, effectively shutting down the ability of the LPOregon to do business. Although they had 3 weeks to share their concerns with the LNC and get our counsel before taking this critical step, Mr. Hinkle and Ms. Mattson didn't see fit to even inform us of their impending actions. Understandably, Wagner et al. initially erroneously believed that the action of these two individuals was approved by this body.

When two meetings of the Oregon LP could not meet the 50% quorum requirement, Wagner et al. took action to remedy it. Rather than voice a formal objection to the ruling of Wagner et al. to cancel an upcoming meeting, a group of Oregon LP members came to the site of the cancelled meeting and proceeded to elect their own officers. Had Mr. Hinkle and Ms. Mattson not interfered, elections would have likely taken place at one of the meetings that did not make quorum and Oregon wouldn't have had competing sets of officers.

Rather than letting the feuding factions in Oregon resolve their own difficulty, the EC interfered in affiliate affairs once again by trying to recognize the "new" officers via the EC's interpretation of the LPOregon bylaws. Such an interpretation was in violation of OUR bylaws, and the JC ruled accordingly on 8/26/11. The JC indicated that Wagner et al. could only be removed by a disaffiliation vote.

The JC ruling should have been the end of the matter. However, our Chair chose to interpret the JC ruling as indicating that the LPOregon had no leadership and did not restart data dumps to Wagner et al. or reestablish the link to the LPOregon site. Mr. Wagner asked the JC for a clarification so that there could be no misinterpretation by our Chair. On 9/23/11, the JC told the LNC that Wagner et al. was our affiliate and was to be given the privileges thereof, specifically a web link and data dumps.

The JC clarification also reminded us that we have the option to disaffiliate Wagner et al. However, our Chair has not asked for such a vote. Instead, he simply refuses to abide by the JC decision. Where in the LNC bylaws is the LNC Chair or the LNC itself given the authority to ignore or contest a JC ruling? Answer: it isn't there, so we must abide by it, or---once again---be in violation of our own bylaws.

There appears to be a working assumption in some quarters that this can go on indefinitely, without Oregon making an active defense of its position to all members.

Judicial Committee Advises Oregon: Your Remedies Are Exhausted

As supplied to this newspaper, correspondence between LP-Oregon Chair Wes Wagner and Judicial Committee Chair William Hall:

Mr. Hall,

Once again the LNC has acted in a manner that does not recognize this leadership and in a prejudicial manner. We were not invited nor enjoined to participate in this process and relevant facts are left out of this analysis that would potentially change the outcome.

This document will now be circulated into trying to ply the resources of the national party against this affiliate in the hope of overwhelming us after ill-informed members of the LNC are convince to vote in accordance with the ruling officers.

The entirety of this action on the part of the LNC has been a matter of organizational corruption from the inception and the first moment national became involved in Oregon in any material capacity. The LNC bylaws were written by people who did not wish to see these sorts of events occur, which is why the autonomy of affiliates was guaranteed and the threshold for disaffiliation set so high.

Please advise your position on this matter and if you have "done all you can" and consider this matter closed. If so I will cease writing you on such matters and pursue other remedies that may be less desirable to the long-term survival of the organization.

Sincerely,
Wes Wagner
Chairperson, Libertarian Party of Oregon

to which the response was

Dear Mr. Wagner:

Yes, you have exhausted any remedies you might have from the Judicial Committee. We decided your appeal, but if the LNC Chair is unwilling to follow our ruling, we have no power to force him or the LNC to do so.

Very truly yours,
Bill Hall
For the Judicial Committee

Georgia Party Condemns LNC Seeks Removal of Flood from National Committee

As forwarded to us and—we are told—read into the August LNC minutes, a unanimous resolution:.

A RESOLUTION OF THE LIBERTARIAN PARTY OF

GEORGIA, INC.

WHEREAS, The Libertarian Party of Georgia Executive Committee (LPGA ExCom) has been advised that Libertarian National Committee (LNC) Region 1 Representative Mr. Stewart Flood did on July 28, 2011 sign a statement to the Judicial Committee of the National Party asserting the right of the LNC to decide the leadership of the Oregon affiliate; and,

WHEREAS, the actions by the LNC appear to have exceeded its authority and is in gross violation of the guaranteed autonomy of a state party as stated in Article 6, Section 5 of the National Party Bylaws and Convention Rules adopted in convention in May 2010 in St. Louis, Missouri (National Convention);

WHEREAS, the LPGA ExCom finds the LNC has established a dangerous precedent by interfering in the actions of a state party; and,

WHEREAS, Mr. Stewart Flood did previously refuse to read into the LNC records the LPGA motion dated December 1, 2008 regarding LPGA disapproval of the LNC activities regarding Angela Keaton; and,

WHEREAS, Mr. Stewart Flood did previously refuse the request of the LPGA to vote for the Libertarian Party's National Convention for 2012 to be held with a Region 1 affiliate's state; and,

WHEREAS, The delegates to the last National Convention from the Libertarian Party of Georgia, Inc. (LPGA) voluntarily joined Region 1 and elected Mr. Flood to represent the interests of this state party and the other the states which comprise Region 1; and,

WHEREAS, in light of these facts, Mr. Flood can no longer claim to represent the best interests of the LPGA.

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF THE LIBERTARIAN PARTY OF GEORGIA, INC, AS FOLLOWS:

Section 1. The Chairman is hereby authorized to vote for the removal of Mr. Stewart Flood from the office of Representative for Region 1 to the LNC.

Section 2. The Chairman is hereby further authorized to speak with the State Chairs of Region 1 in order to encourage them to vote to remove Mr. Stewart Flood from the office of Representative for Region 1 to the LNC.

Section 3. The LPGA ExCom encourages the Chairman to vote for a replacement that he believes will best serve the interests of the LPGA.

Section 4. The LPGA ExCom directs its remaining representatives to read this resolution into the record and provide a copy to LNC Secretary Alicia Mattson for inclusion in the minutes of the next LNC meeting.

Wherefore, this Resolution shall be in full force and effect immediately upon passage and shall continue to be in force until the close of Libertarian Party of Georgia's annual convention on February 25, 2012, and no longer.

LNC APRC Decision Over-Ridden

The LNC has established an Advertising and Policy Review Committee to review LNC materials. The LNC Policy Manual states of the Committee: "If a majority of the committee concludes that a public communication violates the bylaws, Policy Manual, or advocates moving public policy in a different direction other than a libertarian direction, as delineated by the Party Platform, the committee chair shall report such to the Executive Director and the LNC Chair, citing the specific platform plank, bylaw or Policy Manual section. Official decisions of the APRC which are overridden shall be promptly reported to the LNC without revealing confidential employer-employee matters."

The APRC ruled that the following statement made in LNC blog statement lp.org/blogs/wes-benedict/ten-years-after-9-11 violates platform plank 3.3 and 3.1: "Many Libertarians, including myself, think invading Afghanistan, invading Iraq, and passing the Patriot Act was also anti-Libertarian." The point in dispute was the phrase "including Afghanistan".

Platform planks 3.1 and 3.3 are

3.1 National Defense We support the maintenance of a sufficient military to defend the United States against aggression. The United States should both avoid entangling alliances and abandon its attempts to act as policeman for the world. We oppose any form of compulsory national service.

3.3 International Affairs American foreign policy should seek an America at peace with the world. Our foreign policy should emphasize defense against attack from abroad and enhance the likelihood of peace by avoiding foreign entanglements. We would end the current U.S. government policy of foreign intervention, including military and economic aid. We recognize the right of all people to resist tyranny and defend themselves and their rights. We condemn the use of force, and especially the use of terrorism, against the innocent, regardless of whether such acts are committed by governments or by political or revolutionary groups.

LNC Executive Director Wes Benedict has in accord with the policy manual written the LNC, advising them that the APRC decision has been over-ridden.

LP Membership Down, Income Up

National Party membership for fell to 13,133 from 13,204, a drop of 71 over the prior month and 944 from the start of the year. On the brighter side, LNC income for August was \$117,273, with a year total of \$864,947, which was one of the best monthly totals in some time. Look for building fundraising to increase monthly fundraising totals, at least for some months.

Benedict Gives LNC 90 Days Notice

LNC Executive Director Wes Benedict has given the LNC 90 days notice that he is departing from his post as LNC Executive Director. His last day will be December 31, 2011. It is our understanding that he is engaged, and will be returning to his native Louisiana-Texas birthplace to be closer to his fiancée. Benedict, who has two engineering degrees and an MBA, will be pursuing work in his profession. Benedict brought to the LNC staff Arthur DiBianca, who works from Texas. It will be interesting to see if DiBianca remains after Benedict departs. We are also presented with reports that Benedict had tired of games in LNC internal politics.

LNC Motion to Buy Building

Yes, the proposal is to buy a building in the immediate D.C. area. From our sources:

Sponsors: Dan Wiener, Vicki Kirkland, Dan Karlan, Mark Rutherford, Doug Craig

Motion: that the LNC hereby authorizes the Chair to make an offer to purchase the office at 1428 Duke Street, contingent on the conditions listed below. An offer to purchase may be made, so long as the Secretary and legal counsel confirm that the offer contains provisions that allow the offer to be rescinded if the conditions below are not met. The purchase and loan agreements shall require the approval by the LNC prior to their execution.

Condition 1: The total monthly cost of OTM plus any outside storage plus payments for fully-amortized loans shall not exceed \$8500. For the above 2846 square foot property, the OTM costs are projected to be \$9 per square foot per year or \$2,134.50 monthly. Based on monthly payments which fit within this budget, the projected remaining total balance as per the stated terms of the loan or loans used to purchase the property shall not exceed \$380,000 at the end of five years.

Condition 2: The down payment on the purchase must come from dedicated contributions to the building fund, and not from the LP's general funds.

Condition 3: 33% of the necessary down payment must be raised with restricted donations within 20 days of the date on which this motion is officially approved or the date on which twelve LNC members have voted for its approval, whichever comes sooner. At least half of that amount must be actual money, while the remainder must be in legally enforceable pledges using an agreement crafted by legal counsel.

Condition 4: 66% of the necessary down payment must be raised with restricted donations within 40 days of the date on which this motion is officially approved or the date on which twelve LNC members have voted for its approval, whichever comes sooner. At least half of that amount must be actual

money, while the remainder must be in legally enforceable pledges using an agreement crafted by legal counsel.

Condition 5: 100% of the necessary down payment must be raised with restricted donations within 60 days of the date on which this motion is officially approved or the date on which twelve LNC members have voted for its approval, whichever comes sooner. At least two-thirds of that amount must be actual money, while the remainder must be in legally enforceable pledges using an agreement crafted by legal counsel.

Condition 6: 100% of the necessary down payment must be raised with restricted donations by January 5, 2012. All of that amount must be actual money.

Condition 7: LNC members who request it, and who explicitly agree to keep the information strictly confidential, shall be provided with each donor or individual pledger's name and amount (and a copy of the signed pledge agreement) used to meet Conditions 3-6.

If the Secretary provides notice to the LNC that there was a failure to meet any of the aforementioned conditions, it will result in an alternate lease agreement being executed, as provided for in a separate motion.

(Example 1 - likely worst case scenario: A building purchased for \$875,000 has OTM of \$2134.50 plus outside storage costs of \$400 per month, which leaves \$5,965.50 available for a monthly payment on a loan. A down payment of \$300,000 in cash by January 5, 2012 plus a loan for \$575,000 at 6.5 percent interest payable in equal installments of \$5,795.15 and fully amortized over 11 years 3 months would meet the first condition because it would be paid down to \$366,396.44 at the 5 year mark.)

(Example 2 - likely best case scenario: The seller accepts a purchase offer of \$850,000, and it is determined that the outside storage cost of \$400 per month is not necessary, leaving \$6365.50 available for a monthly payment on a loan. A down payment of \$245,000 in cash by January 5, 2012 plus a loan for \$605,000 at 6.5 percent interest payable in equal installments of \$6365.50 and fully amortized over 11 years would meet the first condition because it would be paid down to \$379,280.28 at the 5 year mark.)

Readers will observe that there is no precise number mentioned for how much money needs to be raised for a down payment. The number is approximately \$300,000. Of this apparently \$90,000 has been raised. However, if costs can be reduced by reducing the renovation costs, moving expenses, or by getting a better price or interest rate, the exact amount could we gather be reduced a bit.

As usual, Norm Olsen reportedly gave an excellent analysis of places where matters do not appear to be working:

Thank you, Dan . . .

. . . for your detailed analysis.

However: Geoffrey Neale said that he could raise \$300,000 within two months if the LNC just gave the go-ahead, and Mark Hinkle thinks it's possible.

I thought the LNC, with a vote of 15-2, gave the go-ahead in New Orleans.

It's nine months later, and we're still \$200,00 short.

Our membership is still shrinking, according to the latest membership report, despite a \$100,000 increase in the budget for membership recruiting.

I think we have bigger fish to fry than a 25 year commitment to expensive office space.

We need to spending our time and resources promoting liberty. That's why we exist.

A mail ballot must remain open until the closing date. Until that date:

[Policy Manual] An LNC Member may change his or her vote on an electronic mail ballot, provided that the change is received by the Secretary by the deadline for return of ballots.

Thus, this motion locks us into never-never land until October 18, 2011. If we assume passage, are we to wait another two months (read, what, December 18, 2011) before we know if we have a sufficient down payment to make this feasible?

It's not too late to vote for devoting our resources to "Promoting Liberty" as opposed to taking on 25 year obligations speculating in the real estate market.

I urge my LNC colleagues to vote against this proposal so a reasonable lease arrangement can be negotiated.

A lease which, in the absence of a black swan event, will be renewable in three years AT OUR OPTION.

We're supposed to be spending all of this time, energy, resources, and emotion on "promoting liberty".

Let's do what our membership expects of us.

Maybe then, just maybe, membership will start increasing.

Norm

Another member of the LNC noted he had been involved with other, successful building campaigns, and that he did not seem to see a building campaign here.

Free State Versus Social Reaction?

And for what New Hampshire Freedom means to some conservatives, consider Republican Gubernatorial candidate Ovide Lamontagne. He supports a constitutional amendment overturning Roe v. Wade. He calls for a constitutional amendment that would define marriage as between one man and one woman. There is a nice study courtesy of a New Hampshire Liberty Alliance member showing that real free staters consistently vote in a libertarian manner when elected to the New Hampshire legislature, but New Hampshire also has social reactionary Republicans.

More Florida Far-Right Infiltration

Some of you may remember Alex Snitker, who ran for US Senate in Florida a few years ago, as a Libertarian.

Snitker is now using his resources to recruit support, not for one of our fine Libertarian Presidential candidates, but for a far-right Republican. In a facebook transmission received here, he appeared to write

Want to Help the Ron Paul Campaign?

We are looking for volunteers to help with the primary here in Florida!!

If you are serious about helping Ron Paul win the nomination, please contact us at REDACTED EMAIL ADDRESS to find out how to get involved. We look forward to working with all of you .

How far right a Republican? Here's an example of what Ron Paula actually thinks of the Constitution when it obstructs his far-right objectives:

Ron Paul Proposes to Nullify the First Amendment

From the Ron Paul "Freedom" Report, Volume 6, Number 10, December 2002. The First Amendment Restoration Act", HR 4922:

"My legislation...would remov(e) all religious-freedom related cases from federal district court jurisdiction, as well from federal claims court legislation. The federal government has no constitutional authority to reach its hands into the religious affairs of its citizens or of the several states."

That's right. If your state government decides that prayer in the public schools—their sectarian prayer to be prayed by your child—is a good thing, you would have no appeal except to the State courts appointed by the same state government. For most of the last century, the Federal Courts have been a bastion, however imperfect, for the defense of civil liberties, and here is Ron Paul trying to end that defense.

Support Liberty For America!

Mail form to Liberty for America c/o George Phillies, 48 Hancock Hill Drive,
Worcester MA 01609 or email to phillies@4liberty.net

Join!

Sign me up as a member of *Liberty for America*.

Liberty for America dues are \$15.

Name _____

Address _____

City, State, ZIP _____

Phone _____

Email _____

Subscribe!

Subscriptions to Liberty for America, the Journal of the Libertarian Political Movement, are *free*. Send your email address to phillies@4liberty.net and prepare to be sent monthly PDFs containing our newsletter.

Donate!

Your generous donation will be used to advance the Libertarian political movement.

Donate on the Internet

You can donate to our PAC "Liberty for America" at <http://LibertyForAmerica.com/>

Donations are not tax deductible and may be used to advocate for the election of particular candidates to public office.

Donors specify that they are American citizens, not a corporation or a labor movement, that they are not Federal contractors, and that they are donating their own money.

Liberty for America

Volunteer!

Because Volunteerism is the backbone of political action
I Want to Volunteer to Help the
Libertarian Political Movement

I am prepared to (circle all that apply) :

Help organize state
or regional groups

Help organize affinity groups

Provide art/graphics support

Make public statements;
internet, newspapers, talk
radio

Provide web support or advice

Help with fundraising

Become a political
activist volunteer

Provide writing/editing support

Run for office

I have special skills or suggestions, namely:

To Send Money:

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

Payment may be made by check payable "Liberty for America".

Our Web Pages

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.
But we would be less than astonished if this changed.

Possibly soon.

But you can join—\$15 per year.

<http://LibertyForAmerica.com>

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

In this issue:

Now with News Color Coding: Good News Other News News from the World

LNC Continues to Defy JudComm—Judicial Committee Issues Clarification—LNC Motion to Comply With
JudComm Is Losing—OCPF Targets Howell On Personal Use of Campaign Funds—Oregon Nominates James Foster—

LPMass Triples Income—Ken Moellman Does Well in Poll—Hinkle Responds to Wagner Request for
Clarification—Ruwart Differs with Hinkle—Judicial Committee Rejects LNC Claims—Hinkle Rejects LNC
JudComm Finding—Hall Chides National Committee —LNC Reinstatement Motion—Judicial Committee to
Oregon: Remedies Exhausted—Georgia Party Condemns LNC, Seeks Removal of Flood —LNC APRC Decision
Over-ridden—LP Membership Down, Income Up—Benedict Gives LNC 90 Days Notice—LNC Motion To Buy
Building— Free State vs. Social Reaction—More Florida Far-Right Infiltration—

Ron Paul Proposes to Nullify First Amendment

First Class Mail

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

APPEAL TO THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Wes Wagner vs. the Libertarian National Committee

Clarification of the Opinion of the Majority, rendered September 23, 2011

We have been asked by Mr. Wes Wagner to clarify our decision in Wagner v. LNC, given the apparent decision of Libertarian National Committee Chair Mark Hinkle to suspend treatment by the LNC of the Wagner group of officers as the representatives of the Libertarian Party of Oregon, on a par with other state affiliates of the national Libertarian Party.

The Judicial Committee did not rule that the LPO has no leadership. The Judicial Committee ruled that the LNC must by default recognize the affiliate representatives that are currently recognized by the affiliate's secretary of state, and that it would take an exercise of LNC's 6.6 disaffiliation power to do otherwise.

A state political party committee (no matter the party) is defined by its governing documents, as interpreted under the laws of the State where it is organized and operates. The Bylaws of the national Libertarian Party grant the Libertarian National Committee the power to affiliate and disaffiliate a state-level affiliate in each state of the United States. They do not grant the LNC (or the LP Judicial Committee) the power to interpret and then enforce the bylaws of a state political party committee that is a state-level affiliate of the national Libertarian Party. To the contrary, Article 6, Section 5, of the LP Bylaws expressly prohibits the LNC from "abridg[ing]" the "autonomy" of its state affiliates, "except as expressly provided by [the LP] Bylaws." The interpretation of a state-level affiliate's bylaws is an internal matter for the members of the state-level affiliate to pursue by negotiation, political action, litigation and/or other action in state-level affiliate meetings, and before the state-level judicial committee (if any), courts and governmental agencies having jurisdiction over the state-level affiliate.

This means that if the LNC desires to 'abridge the autonomy' of the LPO by ceasing to treat the Wagner group of LPO officers as its state affiliate contact in Oregon, its avenue to do so is as "expressly provided by [the LP] Bylaws", i.e., to take formal action to disaffiliate, for cause, by a 3/4ths vote, as more specifically provided in Article 6, Section 6, of the Bylaws of the national Libertarian Party. Until such time as that occurs, the LNC must continue to treat the Wagner group of LPO officers similar to other LP state-level affiliate officers (for example, by providing monthly data dumps, and recognition on the lp.org website as the official LP state affiliate in Oregon).

Opinion of Bill Hall, joined in by James Gray, Nicholas Sarwark and Lee Wrights