

Liberty for America

Journal of the Libertarian Political Movement

Volume 4 Number 8

January 2012

Barr Endorses Gingrich

Former Libertarian Presidential candidate Bob Barr, having re-joined the Republican Party, has now endorsed Newt Gingrich for President. A list of the people who gave us Barr, including the genius how recruited him, his major pre-nomination donors, and the folks who stood on stage with him when he accepted his nomination, will soon be made available. The list starts with his nominator, Rob Kampia, who now hangs with Gary Johnson.

Republican Invades LP Presidential Race

Gary Johnson of New Mexico has announced that he is switching parties from Republican to Libertarian, and is entering our party's Presidential race. Johnson supports a wide variety of political stands including the 'Fair Tax' (a 30% national sales tax) and military tribunal trials for Guantanamo Bay prisoners.

LNC December Meeting

The National Committee, having gone through formalities, had a near-three-hour executive session. Then it had another near-hour executive session. Whatever they said in that meeting, it's a secret from National Party members who are not on the LNC. Our sources have so far chosen to respect that secret. Four hours is an astonishing amount of time for LNC executive sessions. What happened? The LNC met in a casino, in a public room that had multiple video cameras. Lee Wrights warned that the cameras apparently were running throughout the executive session, so tapes of the event stayed someplace in Las Vegas. see pp 4-6

LNC Gives Rutherford Right to Seize a Copy of LNC Financial Records

Yes, that's right. The LNC voted that LNC Vice Chair Mark Rutherford is entitled to go to the LNC Headquarters at LNC expense with full CEO authority to seize copies of LNC financial records for the use of the Libertarian National Congressional Committee, if LNCC Chair Wayne Root decides the LNC has not forwarded them. We are out of space: Back emails appear in our next issue. See pages 4,5

Johnson Campaign Owes Massive Debts

As of this writing, Johnson has filed FEC reports for the second and third quarters of 2011, covering April-June and July-September 2011, respectively. These reports show huge spending on political consultants and massive debts by standards of his new party. Johnson's 4th quarter filing may be available in time for our next issue, and may clarify the situation. See page 3.

Where your money went (Johnson, LNC) —page 2. Johnson Disses our former candidates — page 4 Neverending Oregon — 6 Harris Campaign Loses Campaign Team — Page 9

Surely We Can Do Better?

In 2010, Libertarians made decisions.

They decided that Wayne Root was totally unacceptable as National Chair, and "Anyone But Root" was better. They decided the Aaron Starr was totally and completely unacceptable as Treasurer, and voted him out to raucous cheering from the convention floor when the vote was announced.

Now the LNC has turned those decisions on their heads. They created the Libertarian National Congressional Committee (LNCC), a body legally co-equal with the Libertarian National Committee. They sat unperturbed when Wayne Root, rejected by the LNC's own convention, became its Chair, and Aaron Starr, rejected by the LNC's own convention, became its Treasurer.

The LNC gave Wayne Root and Aaron Starr, in their roles as LNCC officers, the complete LNC member and donor lists. The LNC was to give the LNCC your phone numbers and email addresses, as discussed in the next issue. They made the handover after Executive Director Wes Benedict warned that the handover would let the LNCC cannibalize LNC fundraising. As previously explained by this newspaper, that handover was totally unnecessary for FEC compliance.

Now the LNC has handed LNC Vice Chair Mark Rutherford the right, whenever Wayne Root decides it is necessary, to fly to D.C. at LNC expense — your dues money — and be "empowered with all executive powers of the [LNC] Chair" needed to recover fresh copies of those lists for the LNCC.

Root and Starr were overwhelmingly rejected by our National Convention. Now the LNC has given them their own National Committee, one that legally has all the powers of the real National Committee, and no need for either of them to face election by the Libertarian Party's membership.

Surely We Can Do Better?

In 2010, Libertarians were given a choice.

They had the choice of the New Path. New Path promised a complete change in how the LNC did business, from a focus on parliamentary procedure to a focus on doing real politics.

They had the choice of the incumbent faction, who played musical chairs with the offices. With one shining exception, at least until critical personal issues intervened, the delegates chose the incumbent faction.

And where have we gone since then? In 2011, membership

fell from 13858 to 13691, despite a \$25,000 special membership renewal phone drive that netted not quite 400 members. If you look back another year to 2009, membership was 13,963; over two years membership has fallen by more than 270.

Money? Let's compare same-point-in-the-election-cycle. By November, 2007, the LNC had raised 1.23 million dollars. Through November, 2011, the LNC has raised 1.295 million dollars, a number swollen by something over \$100,000 in building fund contributions. That's an increase of less than \$70,000 over four years, not enough to keep up with inflation and growth in the American population.

So what has the LNC done? You've read about it here. They've spent vast amounts of time on parliamentary minutiae. Their Secretary, Chair and Regional Representative appeared in Oregon, and disabled the State Party for a year. Then they attempted to disaffiliate without disaffiliation the Oregon State Party organization, and install a new leadership that they preferred.

They proposed to buy a new building, someplace in the belly of the beast, greater Washington. When the money did not come in at levels required by the Wiener motion (see last issue), the National Chair tried attacking his own committee members to their state chairs. Then they changed their minds. LNC Public outreach? almost nonexistent. Candidate support? They supported one candidate in Indianapolis, a man whose own TV ad neglects to mention his party affiliation. Volunteer mobilization and support? Not really. Candidate Support—they just pulled that out from their next year's budget. We did get a national convention site. Based on reports, we hope you enjoy fast food, buffet food, and \$100/head dinners.

And now for two articles that are huge amounts of work:

Where Your Money Went — Johnson 2012

How much has the Johnson campaign raised? From whom? What did it spend, and where? How much does it owe (lots!)? One name is not on the "from whom?" list. According to the FEC filings complete through the third quarter, Johnson has neither donated nor loaned his campaign even a penny.

The first FEC report showed second quarter income of \$180,236 and second quarter expenditures of \$174,230. Expenditures include 140,400 to NSON, a public opinion research company, \$3830 to Zion Bank, \$10,000 to Jonathan Bydlak of Alexandria, VA and \$10,000 to EH2 Consulting for fundraising, \$5000 to Daines Goodwin for consulting and \$5000 to Hackstaff Law Group.

Jonathan Bydlak is the Johnson 2012 Financial Director. A google search for EH2 consulting was unrevealing. A google search on the cited EH2 address found "Recently The Cramer Group sold this home at 3481 E Kentucky for \$2.1 million."

NSON is a significant company. We quote from their LinkedIn Entry "NSON is strategic public opinion research company. We have been in business since 1992, with extensive experience conducting consumer, political, public service, and business-to-business opinion research projects. We work closely with our customers to design and implement research studies

that help our clients understand important issues and attitudes; improve their products; fine-tune their advertising campaigns; gain new sales; strengthen both customer and employee satisfaction; retain current customers; and target new markets."

A perusal of the second quarter donor list reveals several interesting names. Daniel H. Fylstra of Incline Village, Nevada would appear to be the same Daniel Fylstra who once served on the LNC. James P. Gray, Crestview Drive, Newport Beach, California 92663 really does appear to be a sitting member of the national party Judicial Committee.

For the third quarter, the Johnson campaign raised \$236,193 and spent \$231,317. Spending including \$189,500 to NSON, \$12,104 to Daines Goodwin and Co PC for accounting, \$12,000 to Jonathan Bydlak, \$12,000 to EH2 consulting, and \$550 to Stephen Togli of D.C for fundraising.

A perusal of the third quarter donor list appears to show a former LNC Vice Chair (Dan Fylstra) for a total to date of \$750, a sitting member of the National Judicial Committee (James P Gray) for a total to date of \$650, and a man (William R McVay) claiming his occupation and employer to be Libertarian Party of Delaware Vice Chair. A person of the same name is identified by the LPDE web site as their Vice Chair.

Where Your Money Went — LNC

The Libertarian National Committee raised \$123,553 in September, \$111,520 in October, and \$194,807 in November, for a total of \$429,880. In the same three months, it spent \$104,010, \$104,405, and \$136,464, respectively, the numbers including \$20,000 apparently to be refunded as a building deposit. The November total included it seems \$71,500 or so for the building fund, so the LNC actually raised over \$123,000 in operating funds in November.

As of the end of December, the LNC building fund had received \$140,970 in cash. There were also \$88,225 in pledges, none of which were collected in accord with the Wiener motion authorizing pledges. The LNC was in the process of asking people what they wanted done with their money. There were 540 donors, of whom 64 had been heard from. \$57,500 in pledges had already been cancelled. Of the cash, \$3630 had been refunded, \$3106 had been transferred to other LNC accounts, and the rest was yet to be heard from. At least some of the money was received in December, but it would appear that LNC fundraising exclusive of the building drive is flat.

Where did we put that money for this quarter? We have an office, rent \$10846.77 a month or nearly \$32,500 for a quarter.

Into that office, we put people: \$13,000 to former director Wes Benedict, \$13,830 to former worker Art Dibianca (who we

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>.

gather worked from Texas) for administrative support services, \$9678 to Robert Krauss, \$6330 to Nigel Lyons, \$6300 to Casey Hansen, \$5715 to Kelly Dirks, \$3936 to Dominick Dunbar, Let me remind readers that these are *quarterly* salaries. You multiply them by four to get take home pay. These are middling to marginal salaries, especially for people living in or near the District of Columbia.

Staff is also charged taxes, and requires various other expenses. That includes \$17,515 for Social Security, Medicare, and Federal Withholding, \$4530 for employee health and dental insurance, \$2009 to the DC Office of Tax & Revenue for DC withholding taxes, \$1477 to Virginia for withholding taxes, \$356 for Payroll Processing Fees. There was also \$2184.02 paid for employee 401K plans. Let me only comment that party members may claim that Social Security is bogus, but our employer payments to 401K retirement plans give the lie to those claimed beliefs. There is no way staffers can afford to retire on such retirement plans.

The staff needed supplies of various sorts, including: \$3500 to FP Mailing Solutions for postage and meter resets, \$2264 to De Lage Landen Financial for a copier lease, \$712 to Joe Ragan's for office supplies, and \$420 to Commonwealth Digital Office Solutions for copier maintenance.

Outside contractors were paid, including \$25000 to DirectLine Technologies, Inc. for a renewal phone bank program that netted under 400 renewals, \$9550 to Robert Johnston for tele-fundraising consulting, \$9000 to Gary Sinawski for LP legal expenses, \$4500 to Paula Edwards for FEC Filing, \$4090 to

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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.

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.

Tyler Smith for LP Oregon issues, \$500 to Frye & Wolcott, CPAs for a building purchase analysis, and \$351 to Foley Hoag for legal expenses. Foley Hoag is the Massachusetts ballot access law suit, now proceeding to the Massachusetts Supreme Judicial Court. Staff travel appears to have cost \$4566.

IT Technology cost a fair amount, including \$10,985.2 to Blackbaud for software licensing, \$6108 to Lyris Tech-Sparklist for email marketing services, \$3567.48 to PAETEC for phone and Data Services, \$2064 to Rackspace for Website hosting, \$1722 to SoftLayer Technologies, Inc. for email server hosting, \$909 to AT&T - Mobility for cell phone and data services, \$222 to Comcast for Cable and Internet, and \$126 to Telecompute for phone and data services.

Non-regular costs for IT appear to include \$1331 to Adobe for software, \$590 to Dell Computer for a switch, \$363 to Lexis-Nexus for address and phone verification, \$230 for video equipment, \$108 to B&H for video equipment, and \$106 to Apple for software.

For printing and mailing, the LNC gave \$46,169 to Southwest Publishing and Mailing, \$6265 to Bigeye Direct, \$5629 to B&B Duplicators, \$2684 to the Postmaster for postage, \$2160 to The Forum Press Inc. for renewal expenses, \$727 to LPStuff, \$483 to Great American Leasing for postage meter leasing, and \$335 to DHL for shipping.

Raising money cost \$4022.52 to Paypal for merchant services, and 2244.04 to Merchant Services for Merchant Services. Bank charges were \$368. D&O insurance to Broadway Premium Funding cost \$2435.

Real Politics

The LNC gave \$15,000 to Jefferson Adams Consulting Services for South Dakota Ballot Access petitioning. We gave \$11,796, mostly to Central Petition Management and to Ballot Access, Inc. for New Hampshire ballot access petitioning. We gave \$1000 to the Libertarian Party of Oklahoma for ballot access expenses.

We gave \$387.33 to Facebook for ads, meaning the LNC very slightly outspent my state party for the period.

Watergate Lease Renewed

According to our sources, Mark Hinkle has advised the LNC: "The lease at the Watergate has been extended for 14 months: to April 30 of 2013 per your instructions. The annual cost will be \$122,732.01 for a base monthly rent of \$10,227.67 plus the cost of the storage area down in the basement. The lease includes 1 month free rent for March of 2012. If we wish to extend the lease another 2 years, that will cost us \$125,792.14 per year or \$10,482.68 per month." The new rent, including the free month, appears to be lower than the old rent.

Johnson's Massive Debts

The third-quarter FEC report of the Johnson 2012 Campaign showed that the Johnson campaign owed large sums of money,

including \$83,958 to NSON, \$94,666 to EH2 consulting, \$8,666 to Hackstaff Law Group, and \$52,776 to Jonathan Bydlak, for a total of \$240,066. Expect an update next month.

Johnson Campaign Disses Our Former Candidates

In a widely-circulated message “Paid for by Gary Johnson 2012” a writer identified as Andrew Ferguson wrote in part:

“Flash back to the last election cycle. No, go back two, to 2004, when the LP, still reeling from Harry Browne’s machinations, nominated a complete unknown as its presidential candidate. The list of “missed opportunities by the Libertarian Party” is a long and tragicomic one, but surely the choice of Michael Badnarik must be at or near the top: in an election evenly split between the military-statist Bush and the eco-statist Gore, the LP could’ve had a healthy cut of the excluded middle — but Badnarik’s was not the name to draw those voters.

In 2008, with that swing-and-a-miss behind them, the LP whiffed with the opposite approach, nominating a big name who was a, shall we say, imperfect fit with party ideals. I’m not one to deny the place of pragmatism in politics, but the man who authored the Defense of Marriage Amendment and fervently prosecuted the Drug War was a strange choice for the supposed party of freedom. No matter how hard he pushed his Road to Damascus narrative, a large chunk of the LP base (namely, donors and state and local party poobahs) was never going to buy into his campaign.

As a result, Bob Barr’s failure was utterly predictable — the rift in the party in 2008 was clear for all to see — but more to the point, just as utterly inevitable. In Barack Obama, the Democrats found a candidate who could reach out to the same undecideds the LP tries to make its own — those looking to cast a vote in dissent, anything so long as it has nothing to do with the party in power. Empty as we now know (or always knew) his promises of “Hope” and “Change” to be, they were nonetheless effective in closing off any change the Libertarians had of playing a role in the last cycle.

All of which is to say, the LP screwed up by getting its candidates backward — if anything, the off-the-ranch Republican with name recognition would have fared much better in 2004, serving as an alternative to two unpalatable statist. Meanwhile, 2008 would have been the time to run an outsider, someone who could elucidate a libertarian point of view, in the rare moments he (or she — vide Mary Ruwart) was called upon to do so.”

LNC Gives Rutherford Right to Seize Copies of LNC Financial Records

Let’s take this one from the top. First you get the LNC motion headlined above. Then you get the LNC motion handing “constituent information” of the LNC over to the LNCC. Then you get our analysis.

The actual motion passed at the LNC meeting, as taken from their current draft minutes, is:

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.**

Mr. Wolf moved to adopt the following:

The LNC hereby finds that the Chair and Staff are currently out of compliance with the motion adopted on November 25, 2011 to fully cooperate with the LNCC. RESOLVED, if on or after December 19, 2011 the Chair of the LNCC determines that the LP Chair and/or Staff are not following the LNC’s policy concerning cooperation with the LNCC, the Vice Chair is thereby authorized to travel to LP Headquarters at LP expense and is empowered with all executive powers of the Chair necessary to effect compliance with this policy.

After debate, the motion was adopted by a vote of 10-7.

Voting “aye”: Eshelman, Knedler, Lieberman, Mattson, Root, Rutherford, Sink-Burris, Visek, Wiener, Wolf
Voting “nay”: Flood, Hinkle, Karlan, Kirkland, Lark, Redpath, Ruwart

The motion of November 25, as referenced above, reads:

Motion: WHEREBY, there exists a written agreement between the LNC and the Libertarian National Congressional Committee (LNCC) that requires both parties to share with each other donor data in an electronic format, including, but not limited to, all information required by the Federal Election Commission (FEC) relating to contributions to either entity, for the purposes of facilitating fundraising efforts, supporting Libertarian candidates and complying with the requirements of the FEC;

IT IS HEREBY DIRECTED that the LNC Chair and Staff are to comply in good faith with said Agreement, to the fullest extent that their respective roles allow, to ensure that its intent is carried out;

IT IS RECOGNIZED that both parties are welcome, but not required, to offer amendments to the Agreement that further the mutual goals of both parties and such amendments may be adopted by mutual consent;

IT IS HEREBY RESOLVED that the following language be inserted in the Policy Manual: Section 2.09.1 OTHER MATTERS: Libertarian National Congressional Committee The Party shall act in good faith with the Libertarian National Congressional Committee, and the Chair and Staff are directed to encourage and develop a symbiotic relationship by fully cooperating in activities and coordinating efforts, **including the sharing of constituent information**, [GP: color added] so as to achieve our mutual goal of supporting Libertarian candidates;

AND, IT IS FURTHER RESOLVED that the LNC Chair shall request that the LNCC adopt a similar policy.

The motion was adopted by a vote of 15-0.

Voting “aye”: Blau, Eshelman, Karlan, Knedler, Lark, Lieberman, Mattson, Olsen, Redpath, Root, Rutherford, Sink-Burris, Visek, Wiener, Wolf

Specifically Stated Abstentions: Craig, Ruwart

So what is the issue? In the November 25 motion, the LNC directed by a 15 to zero vote that the LNC should share constituent information with the LNCC. What is that constituent information? Membership lists. Donor lists. Perhaps inquiry lists.

The information is shared for purposes including “...facilitating fundraising efforts, supporting Libertarian candidates and complying with the requirements of the FEC...” That is, the LNCC is allowed to use those lists to raise money, competing with the LNC’s own use of its own lists. The LNCC is allowed to use those lists to support candidates, with no restrictions on which candidates the LNCC supports. The LNCC, of course, is now a body totally independent from the LNC, and may in the end amend its charter so it can support whatever candidates it wants.

The LNCC then discovered that the information exchange was not occurring. An exchange of memos occurred—you’ll find those in the next issue. The LNC therefore voted at the LNC meeting that if the LNCC Chair (Wayne Root) determines the LNC policy in the 11/25 motion is not being followed, the LNC Vice Chair (Mark Rutherford) may go to LP Headquarters at LP expense, with all executive powers of the Chair needed to effect compliance with the policy, viz., giving the LNC data files on disk or whatever to the LNCC. All needed powers might include, e.g., firing the Executive Director or other staff, if they fail to do as ordered.

A reasonable person would propose that this is a half-way motion to suspend the LNC Chair, just as the Oregon motion was a half-way motion to disaffiliate Oregon, and if he had sense he would appeal the motion to the Judicial Committee, the Judicial Committee that he and his LNC cronies voted last month to call various names.

LNC Meeting Events

LNC Votes to Reject Buying a Building

The LNC voted at the LNC Meeting on a motion to buy a building. The vote was actually Motion Number Five, if anyone is still counting. You can read the motion in Alicia Mattson’s minutes, when they go up on LP.org. The motion was again rejected, by a vote of 8-10. Voting “aye”: Flood, Hinkle, Karlan, Kirkland, Lark, Redpath, Ruwart, Wiener. Voting “nay”: Eshelman, Knedler, Lieberman, Mattson, Olsen, Root, Rutherford, Sink-Burris, Visek, Wolf

I have already seen the no voters described as “the gang of ten”. I have already seen speculation from LNC members, whether

fair or not, that the purpose of defeating the motion was to improve Mark Rutherford’s chances of being elected LNC Chair, by denying incumbent Mark Hinkle bragging rights at the next convention. Your mileage may vary.

The LNC then voted to approve renewing the Watergate lease. The vote was 16-1, with Flood opposed.

Lark Goals Adopted

The LNC voted unanimously to adopt with amendment James Lark’s goals for the remainder of the LNC’s term, notably 14,000 members, 1 million Congressional votes, 200 elected Libertarians, and Presidential ballot access in at least 46 states.

Budget Adopted

Budget discussion: Treasurer Redpath moved to reduce Ballot Access Petitioning from \$279,000 to \$225,000 - passed. The LNC adopted a restriction on ballot access funds, due to a motion by Diana Visek: “Ballot access encumbrances for 2012 may only be authorized by a two-thirds vote of the Executive Committee and the total expended shall not exceed the amount authorized in the budget.” Rebecca Sink-Burris moved to amend the budget proposal to reduce Candidate, Campaign & Initiatives from \$12,500 to \$0 - passed. So candidate support was eliminated. \$50,000 was voted for an IT proposal from the LSLA.

The LNC approved a new budget by a vote of 13-4. Voting “aye”: Blau (for Kirkland), Knedler, Lark, Lieberman, Mattson, Olsen, Redpath, Root, Rutherford, Ruwart, Sink-Burris, Visek, Wiener. Voting “nay”: Flood, Hinkle, Karlan, Wolf

Howell Hired as New Executive Director

Mr. Karlan moved to approve the contract to hire Carla Howell as Executive Director of the Libertarian Party. The motion passed 14-2. Voting “aye”: Flood, Hinkle, Karlan, Kirkland, Knedler, Lark, Lieberman, Redpath, Root, Rutherford, Ruwart, Sink-Burris, Wiener, Wolf. Voting “nay”: Mattson, Visek

Howell has a record in Massachusetts, which we hope to discuss in future issues.

Other LNC Meeting Events

The Secretary reported who voted which way on mail ballot motions. You have heard most of the motions already, but now we have the votes. Of particular interest:

First motion to approve hiring Carla Howell, defeated 9-9: Voting “aye”: Craig, Flood, Hinkle, Karlan, Kirkland, Redpath, Ruwart, Sink-Burris, Wiener. Voting “nay”: Eshelman, Knedler, Lark, Mattson, Olsen, Root, Rutherford, Visek, Wolf.

\$13,000 for North Dakota Ballot Access, passed: Voting “aye”: Eshelman, Flood, Hinkle, Kirkland, Lark, Olsen,

Redpath, Root, Rutherford, Ruwart, Sink-Burris, Visek, Wiener
Voting “nay”: Goldstein, Knedler, Lieberman

\$10,000 for Oklahoma ballot access, passed:
Voting “aye”: Craig, Flood, Hinkle, Kirkland, Lark, Olsen,
Redpath, Root, Visek; Voting “nay”: Eshelman, Goldstein,
Knedler, Rutherford, Sink-Burris, Wiener

First Building Purchase motion, passed 15-3 Voting “aye”:
Craig, Flood, Hinkle, Kirkland, Karlan, Knedler, Lark,
Mattson, Redpath, Root, Rutherford, Ruwart,
Sink-Burris, Wiener, Wolf; Voting “nay”: Eshelman, Olsen,
Visek

Second Building Purchase motion, rejected 9-8 (2/3 required)
Voting “aye”: Craig, Flood, Karlan, Kirkland, Knedler, Lark,
Redpath, Ruwart, Wiener Voting “nay”: Eshelman, Mattson,
Olsen, Root, Rutherford, Sink-Burris, Visek, Wolf
Unused Alternate Votes: Lieberman-Nay, Ploeger-Nay

Third building purchase motion rejected 7-9 Voting “aye”:
Craig, Flood, Hinkle, Karlan, Kirkland, Redpath, Ruwart;
Voting “nay”: Eshelman, Lieberman, Mattson, Olsen, Root,
Rutherford, Sink-Burris, Visek, Wolf

Fourth Building purchase motion, rejected 6-10: Voting “aye”:
Hinkle, Kirkland, Lark, Redpath, Ruwart, Wiener; Voting
“nay”: Eshelman, Flood, Karlan, Lieberman, Olsen, Root,
Rutherford, Sink-Burris, Visek, Wolf; Specifically Stated
Abstentions: Knedler, Mattson; Unused Alternate: Ploeger-Nay

More on Oregon

The LNC spent more than \$4000 on legal advice on the Oregon situation. LP Oregon State Chair Wes Wagner supplies us with background information, background information whose match or lack thereof with the advice you may decide for yourself.

Cast of Characters: Wes Wagner—Oregon State Chair
Steve Trout—Oregon Director of Elections.
Tyler Smith—Attorney, who was (based on the LNC FEC filings) paid by Aaron Starr, who was reimbursed by the LNC.

Summary: The LNC was given a legal memo (prior issues of LfA) [quoted in part in blue below](#) making certain representations about the Oregon Secretary of State positions. The actual correspondence with the Oregon Secretary of State and the Attorney then follows

From: Wes Wagner:
Mr. Trout,
An attorney that has been providing pay-for-hire services at the personal bequest of some members of the LNC has wrote the following in a letter to the LNC:

["If the Libertarian Party National Committee were to follow the ruling of the Judicial Committee, not only could it be subject to a lawsuit from one of its members for failing to follow the by-laws, but the minor party and ballot access status of the LPO would be immediately jeopardized. The Oregon Secretary of State has made it very clear that disaffiliation would require](#)

[any subsequent Libertarian affiliate in Oregon to re-qualify for minor party status and ballot access. More tragically, all 13,000+ Oregon Libertarians would become non-affiliated. To fully protect the ballot access and registration pool of the LPO, as well as shield the LNC from legal challenge, it absolutely is essential that the LNC declare the actions of the judicial committee in this matter null and void."](#)

Could I have copies of the correspondence in question where you or members of your office made such statements and a citation of which laws and rules to which they apply?

It is my understanding that as a matter of law the Libertarian Party of Oregon is a completely independent entity and that any decisions of a national organization of which we have no legally binding relationship would have no effect on the status of persons registered to this party in the State of Oregon. The ballot access was petitioned for and this party was founded well before the existence of the legal entity known at the Libertarian National Committee Inc.

These statements would seem to conflict with that understanding and I would like to understand how the disposition of a gentleman's agreement between us and another independent legal entity has bearing on the registration status and ballot access this organization represents. The prior correspondent reads:

From: Tyler Smith
Sent: Tuesday, September 27, 2011 11:42 AM
To: TROUT, Steve
Steve,

I appreciate your taking to time to talk with me about this issue. As I expressed on the phone, my law firm represents the Libertarian National Committee (LNC) on this matter. The question to you is:

1. If the LNC officially disaffiliates the Oregon affiliate known as the LPO (Libertarian Party of Oregon), and the re-affiliates a new state-level affiliate, would that new affiliate need to file for a new ORS 248.008 “qualification as a minor political party” or would they be able to simply use the existing qualification that exists presently to nominate candidates for the coming elections?

Thank you for responding promptly.
Best wishes,
TylerTyler Smith | Managing Attorney
Tyler Smith & Associates P.C.

From: TROUT, Steve
Sent: Tuesday, September 27, 2011 3:01 PM
To: Tyler Smith
Tyler,

To confirm our conversation this morning, there is no requirement that a state political party be affiliated with a national party. If the LNC disaffiliates the LPO there will be no change of status in Oregon. The LPO will still be an official political party in the state. The only way we can remove the qualification of the LPO is if we were presented with a valid Oregon court order stating that the LPO can no longer exist because the LNC will not allow their use of the name Libertarian. In that in-

Next 2 Pages: Editor Designs an Occupy Outreach Trifold for LPMass

stance all voters currently affiliated with the LPO would be placed in the registration category of "Other" and they would be treated as non-affiliated voters unless and until they re-register with a qualified party. Any new Libertarian Party headed by the LNC or others would need to qualify as a new minor party pursuant to ORS 248.008.

Let me know if you have any further questions.

Stephen N. Trout
Director of Elections
Oregon Secretary of State

From: Tyler Smith
Sent: Tuesday, September 27, 2011 3:44 PM
To: TROUT, Steve

Hi Steve, thank you for your quick response.

I guess the only remaining question I can think of for interpretation by the SOS or Elections Division is what is the current status? If there is no change in status with the SOS, that does not solve the problem that there are two sets of independently operating organizations calling themselves the LPO, one set of officers newly elected, and one set of officers (officer) held over from the past administration, who do you then take future instructions from, which one of those groups has the registered Libertarians attached to them?

I guess that is why it will be important for the Secretary to establish whom she sees as the rightful LPO, under her interpretation of state law. Assuming the SOS and Elections Division does not want to weigh in on the internal disputes about bylaw violations, meeting notice violations etc., then the question for the SOS to answer is "Does state law or SOS Rules allow an outgoing party chair retain power by withholding acknowledgement of newly elected officers"? Best wishes,
Tyler

From: TROUT, Steve
Sent: Tuesday, September 27, 2011 3:58 PM
To: 'Tyler Smith'

We expect to have a decision from the Secretary by the end of this week on who the officers of the Libertarian Party of Oregon are so that both groups have as much time as possible to seek judicial remedies if they desire.

From: TROUT, Steve <steve.trout@state.or.us>
Date: Thu, Oct 6, 2011 at 11:01 AM
Mr. Wagner;
Below [here, above] is an email string between Tyler Smith and myself. As you can see, we see the Libertarian Party of Oregon as an entity independent of any other organization. No matter what the LNC does it will not impact the standing of the Libertarian Party of Oregon. The only way the Libertarian Party of Oregon could be affected is if we were presented a binding court decision that the Libertarian Party of Oregon could no longer use the word Libertarian in their party name if a court were to decide that the LNC has exclusive rights to the use of the word Libertarian.

I hope this clarifies our position. Let me know if you have any

further questions or concerns. We will be expecting nominations for the 1st Congressional Special Election from you as Chair of the LPO.

Stephen N. Trout
Director of Elections
Oregon Secretary of State

Harris Campaign Seemingly Launches Anonymous Anti-Johnson Attack Email That Was Not Anonymized

We were recently sent directly an attack email:

As you may be aware, some Libertarians in the party many who are ex-Republicans are trying to recruit Gary Johnson. This email is for informational purposes only and is just a preview of his past. There is more information coming in daily that is verifiable including some very distressed ex-Employees on record. This is a courtesy warning to those that try to recruit Gary Johnson. You will be ridiculed for not vetting the guy. The reason the mainstream media did not find all this info is because he was not a top contender. Guess what they are going to do to him once he threatens an Obama defeat. They are going to rip him apart. The second round of information is going to be even more distressing with the results of the open records requests. Furthermore, Gary Johnson reveals information that makes him a phony Libertarian. Financial information is in the process of being revealed that will threaten the Johnson Campaign's credibility with voters. Learn more about Gary Johnson.

Secret Truths at the website below.

www.DropGary.com

I@DropGary.com

This message is being forwarded to you.

Editor,

My Sapolitics

The link is inactive. Examination of the full header on the message revealed "X-Source-Auth: info@rjharris2012.com" strongly indicating that the attack is from the Harris camp.

Harris's Campaign Managers Withdraw

ThePoliticalGroup.com has circulated an email:

The Political Group is stepping down from the RJ Harris Campaign. We have led the campaign from many fronts and are now stepping down because of our disagreement with the campaign's strategy moving forward. We appreciate the competition your campaigns presented and hope the best for everyone involved. 2012 will be a very special year for Libertarians. If you have any questions please contact us.

We do currently have complete details of Libertarian Donors, Delegates, State LP Leadership (Emails & Phones), Polling Data (Delegates), Mailing Lists & Phone Lists (Libertarian National & State Donors, Ron Paul Donors and various PAC Info), Voter Data & History for all 50 states, and winning strategies yet to have been utilized with the RJ Harris Campaign.

Liberty for America

Liberty for America is not currently a political party.

But we would be less than astonished if this changed.

But you can join—\$15 per year — Memberships are not subscriptions

To subscribe: <http://LibertyForAmerica.com>

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

In this issue:

Barr Endorses Gingrich — Republican Invades LP Presidential Race — LNC December Meeting

LNC Gives Rutherford Right to Seize Copy of LNC Financial Records

Johnson Campaign Owes Massive Debts — Surely We Can Do Better

Where Your Money Went — Johnson 2012; Where Your Money Went — LNC

Watergate Lease Renewed — Johnson's Massive Debts

Johnson Campaign Disses Our Former Candidates

LNC Gives Rutherford Right to Seize Copies of LNC Financial Records

LNC Votes to Reject Buying a Building — Lark Goals Adopted — Budget Adopted

Howell Hired as New Executive Director — Other LNC Meeting Events

More on Oregon

Trifold: Outreach to the Occupy Movements

Harris Campaign Seemingly Launches Anonymous Anti-Johnson Attack Email

That Was Not Anonymized

First Class Mail

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