

Libertarian Party of California 2007 Annual Convention

**Friday, April 20, 2007 – Sunday, April 22, 2007
San Ramon Conference Center**

Officers

**Aaron Starr, Chair
Lawrence Samuels, Northern Vice-Chair
Mark Selzer, Southern Vice-Chair
Willard Michlin, Treasurer
Daniel Wiener, Secretary**

Convention Call-to-Order

The Libertarian Party of California's 2007 state convention was called to order by Chair Aaron Starr at 6:45 pm on Friday, April 20, 2007.

Credentials Report

The Secretary read through the pre-submitted list of delegates and identified 48 delegates who were present. Those so identified were able to vote on business, but still needed to subsequently obtain delegate ribbons (which were temporarily lost by Southwest Airlines).

Officers and Committee Reports

Written reports from Executive Committee officers and committee chairs were distributed (see below).

Adoption of Agenda

The Agenda was adopted without objection.

The Convention adjourned until Saturday, April 21, 2007.

Opening Remarks and Announcements

The Libertarian Party of California's 2007 state convention was called back to order by Chair Aaron Starr at 8:45 am on Saturday, April 21, 2007. Aaron asked members to consider the vital importance of the Libertarian Party and the struggle for liberty.

Credentials Report

As of 8:54 am there were 74 credentialed delegates.

Keynote Speaker

The Keynote Speaker was Calaveras County Supervisor Tom Tryon, who was first elected back in 1984 (by one vote after three recounts) and is now the fourth-longest serving county supervisor in the state. He described his experiences as a Libertarian in getting elected to local non-partisan offices.

The most important factor in getting elected is being an active member of the community and making personal contact with voters. The very worst method of contacting voters is to put ads in newspapers. The only reason Tom sometimes buys a newspaper ad is to keep the newspaper from editorializing against him. Elections are becoming much more expensive, as issues brought to the government attract more money. Credibility is essential to being a viable candidate.

The next level is your message. You can't be timid, otherwise your opposition will define you. Some of Tom's opponents have attacked him on the drug war, and it must be responded to in a proper, careful way. Tom concentrates on fiscal responsibility and property rights. You need coherent positions on controversial issues, be informed, and don't alienate people. Tom has never been unopposed or received more than 54% of the vote." You don't need to have people agree with you on everything, so don't burn bridges; disagree respectfully and be friendly.

Pay the money for a sample ballot statement; it's the most cost-effective advertising you'll ever get. When the media asks for a statement and a photo, make sure you provide it. Take advantage of every opportunity. Voters must have the perception that you want to win and you are working hard for it.

Additional Credentials Report

As of 9:54 am, the Chair asked to seat those people who are otherwise qualified to be delegates but were not on submitted lists by the counties. Approved without objections.

Bylaws Committee Report

Bylaws Committee Chair M Carling presented the Bylaws Committee's report. Other members of the Bylaws Committee were Ray Strong, Daniel Wiener, Bob Weber, and Zander Collier. Copies of the Committee Report and Addendum were distributed.

Proposal 1: passed. Deletes the following wording in Bylaw 18.

C. Each chair of a county central committee or a person appointed by the chair of that county central committee who is otherwise qualified to be a delegate ~~under Rule 3.~~
~~F. No person shall be a delegate who does not meet such requirements as may be stated in the Convention Rules.~~

Proposal 2: passed. Changes the following wording regarding the Program.

Rule 6: AGENDA

The business of the convention shall consist of the following items, which shall be conducted in the following order:

~~G. Program Committee report.~~

Rule 11: PROGRAM COMMITTEE

~~The Chair of the Program Committee shall report the committee's recommendations to the floor, plank by plank, and each recommendation shall be voted upon separately. Consideration of the Program shall end once five planks have been adopted. After all recommendations of the Program Committee have been considered, and if fewer than five have been approved and if time permits, any delegate may propose a new plank or amendment.~~

Proposal 3: passed. 5 people asked to make this a debate item. Adds requirement for membership.

Bylaw 5: MEMBERSHIP

Section 3.

All Party candidates for public office, Executive Committee members, county party office holders, Libertarian National Committee representatives and Judicial Committee members shall be registered in the Libertarian Party in California if eligible.

[All holders of Party office are required to be members of the state central committee.](#)

Proposal 4: failed. Affects rescission of a candidate endorsement.

Bylaw 11: EXECUTIVE COMMITTEE

Section 6.

A two-thirds majority of the eligible positions on the Executive Committee shall be required to pass the following:

B. Endorsing ~~or rescinding the endorsement of~~ any candidate for public office.

Proposal 5: Regards ambiguity over membership termination.

Bylaw 5: MEMBERSHIP

Section 6.

Upon appeal by a county or state central committee member, the Judicial Committee ~~shall~~ may hold a hearing concerning the suspension. [Membership shall be terminated unless reinstated by the Judicial Committee.](#) Following the hearing, the Judicial Committee shall rule either to terminate or continue the membership of a member. (2/3 required to amend)

A motion was made to amend by substitution, to re-adopt Bylaw 5 Section 6 as it is currently written. This would have the effect of requiring the Judicial Committee to hear appeals of membership suspensions, thereby resolving the conflict with Bylaw 13 Section 3. Amendment passed. Motion passed.

Proposal 6: passed. Requires county bylaws to be posted on the LPC website.

Bylaw 8: COUNTY ORGANIZATIONS

~~Section 7.~~

~~Any county central committee member shall be provided a copy of the county or Party Bylaws upon request, at cost.~~

Bylaw 9: OFFICERS

Section 5.

The Secretary shall be responsible for maintaining the Party membership list, and for receiving or sending formal notifications as shall be specified in these Bylaws and Convention Rules, and shall be responsible for recording and promptly distributing minutes of Party proceedings. The Secretary shall be responsible for the maintenance of all Party records.

The Secretary shall cause the minutes of each Executive Committee meeting to appear on the Party website not more than thirty (30) days after adoption. A summary of the results of the Executive Committee meetings, votes, and mail ballots shall be emailed by the Secretary to all county officers within ten (10) days.

The Secretary shall ~~announce the availability of~~ [cause](#) the most recently adopted Platform, Program, and Bylaws and Convention Rules [as well as the bylaws of all county party organizations to appear on the Party website not more than thirty \(30\) days after adoption.](#) ~~to all members of the Executive Committee and all county chairs within sixty (60) days of the convention's close.~~

Proposal 7: Affects Bylaws Committee procedures.

Bylaw 14: COMMITTEES

Section 2.

[Not later than sixty \(60\) days following the close of](#) ~~For~~ each convention, the Executive Committee shall appoint a committee of five state central committee members to recommend changes in the Bylaws and Convention Rules. [The Bylaws Committee shall adopt its report not less than seventy \(70\) days prior to the convention and the Secretary shall cause it to be published on the Party's website not less than sixty \(60\) days prior to the convention. Proposals not meeting these notice requirements shall require a two-thirds vote of the registered delegates to approve.](#)

Motion to divide question, so the last sentence will be considered separately. Passed. The first portion of the proposal passed.

A motion was made to amend by substituting the following language for the last sentence of the Bylaws Committee report:
Bylaws changes may be introduced from the floor without previous notice and shall require a two-thirds vote of the registered delegates to pass.

Motion to amend by adding the following sentence:

Any changes to the Bylaws Committee Report after publication on the Party's website shall also require a two-thirds vote of the registered delegates to pass.

Amendment passed 34 to 23. Motion to extend time for five minutes, passed. It was moved to amend by substituting the following wording:

Bylaws changes proposed from the convention floor without prior notice, and substantive amendments made to the Bylaws Committee Report by the Bylaws Committee subsequent to the report adoption deadline shall require a two-thirds vote of registered delegates to pass.

An amendment to the amendment to delete the word "substantive" passed. The substitute amendment passed. The proposal passed.

Proposal 8: passed.

Bylaw 13: JUDICIAL COMMITTEE

Section 1.

The Judicial Committee shall be composed of five state central committee members elected at a convention of the Party by the attending delegates. The term of a member of the Judicial Committee shall begin at the close of each convention [held in an even-numbered year](#) and end at the close of the next convention [held in an even-numbered year](#). ~~Vacancies in the committee shall be filled through appointment by the remaining committee members shall fill any vacancy in the committee until a successor shall be elected at the next convention.~~

Proposal 9: passed. Affects Judicial Committee hearing procedures.

Bylaw 13: JUDICIAL COMMITTEE

Section 3.

It shall require at least two members of the Judicial Committee to agree to hold a Judicial Committee hearing or consider an appeal to the Judicial Committee. [The Judicial Committee may choose to hold hearings in person, by teleconference, or by videoconference.](#)

Proposal 10: failed. Would separate county and state party dues and memberships.

Bylaw 8: COUNTY ORGANIZATIONS

Section 2.

~~Membership in the Libertarian Party of California State Central Committee is the only requirement for membership in a county central committee
A Party member may be a member of only one county central committee, which does not have to be the committee of the county of the member's residence.~~
Membership in a county central committee confers voting privileges in that county.
[The members of a county central committee shall be:](#)
[A. Registered Libertarian voters in that county who hold public office subject to election.](#)
[B. The state central committee members residing in that county, unless the county party bylaws provide otherwise, and](#)
[C. Any other persons, except for members of the state central committee whose membership has been suspended or terminated, as may be provided for in the county party bylaws.](#)

Bylaw 7: DUES SHARING

~~The state or county Party organization that acquires a new state central committee member shall receive the first year dues. Each active county central committee shall receive 60% of subsequent year dues attributable to the state central committee members and associate members associated with that county party. Dues shall be distributed to any active county central committee upon request, or whenever the total amount owed to the county central committee exceeds \$50.~~

An amendment was proposed to add the words "including elected county central committee members" to the end of paragraph A in Section 2. Passed.

The Chair ruled that a second portion of a proposed amendment which affected Bylaw 7 was out of order because the Bylaws proposal was too intertwined. The ruling of the Chair was objected to. The ruling was sustained. The Chair offered to personally donate \$15,000 to county parties if the proposal passed, to assist them in the transition; his offer lapsed when the proposal was defeated.

Proposal 10a (Addendum): passed.

Bylaw 18 Section 4 presently states:

Delegates to the Party's state convention shall have been state central committee members at least ninety (90) days prior to the convention.

Proposal #10a would add the following sentence:

Notwithstanding the above, each Executive Committee member may seat one current state central committee member as a delegate.

A motion was made to suspend the rules to consider substitute wording for Bylaw 7 – Rules Sharing. Failed.

A motion was made to suspend the rules to consider a different dues split. Failed.

The convention recessed for lunch. It was agreed without objection that Proposal 11 would be considered as the first item of business when the convention reconvened.

The convention reconvened at 1:17 pm.

Proposal 11: passed.

Bylaw 18: CONVENTION

Section 1.

The Party shall hold an annual convention of delegates of the State Central Committee to conduct such business as may properly come before it, at a time and place set according to the Bylaws and in conformance with the Bylaws and Convention Rules. (2/3 required to amend)

Section 2.

It shall be the responsibility of the Executive Committee to set the time, place, and schedule of events for the convention of delegates to the annual meeting of the State Central Committee. At least one hundred twenty (120) days' notice must be provided to the membership concerning these arrangements.

~~Section 3.~~

~~For the purpose of representation at the annual convention, the number of state central committee members affiliated with each county shall be determined by the Secretary as of the end of the fifth month prior to the opening session of the convention. The Secretary will notify each county central committee of its eligibility for delegates by mail, no later than the twentieth (20th) day of the fourth month prior to the opening of the convention.~~

Section 4.

Delegates to the Party's state convention must be current state central committee members and shall either hold public office or shall have been state central committee members at least ninety (90) days prior to the convention.

~~Section 5.~~

~~The following state central committee members may become delegates to the convention:~~

~~A. Each holder of an elective public office who is registered to vote as a Libertarian shall be a delegate. Central committee membership shall not be considered to be holding of public office.~~

~~B. Each member of the Party Executive Committee, at the time the convention is held, shall be a delegate.~~

~~C. Each chair of a county central committee or a person appointed by the chair of that county central committee who is otherwise qualified to be a delegate under Rule 3.~~

~~D. One delegate for each 0.33% or fraction thereof of the total number of state central committee members associated with a county central committee. An active county central committee shall select these delegates as provided in its own bylaws. Any delegate or alternate to a Party convention must be a current~~

~~member of the state central committee at the meeting at which delegates are selected. Any delegates from inactive county central committees shall be selected by the appropriate state Vice-Chair. Any delegate may be replaced by an alternate from that county with the consent of the county delegation. Certification of delegates and alternates selected for each county shall be submitted to the Party Secretary at least two weeks prior to the opening session of the convention by the person presiding over the meeting at which the delegates were selected. Failure by a county to submit certification at least two weeks prior to the opening session of the convention shall cause no delegates to be registered from that county central committee.~~

~~E. The state convention itself may add any number of additional delegates and alternates with the approval of three-fourths (3/4) of the already registered delegates present on the floor.~~

~~F. No person shall be a delegate who does not meet such requirements as may be stated in the Convention Rules.~~

~~Section 6.~~

~~Any county central committee's slate of delegates to a Party convention may be challenged by petition of ten percent (10%) of that county's central committee members. The petitions must be submitted to the Secretary of the Party and the Judicial Committee at least seven days prior to the convention. The petition must state the names of the delegates proposed to replace those challenged, and the reason for the challenge.~~

~~The Judicial Committee shall hear all the challenges on the day before the convention convenes and shall provide a ruling in each case to the Party Secretary before the convention convenes.~~

~~Section 7.~~

~~All delegates in good standing shall be eligible to vote on all matters. In order to vote on a given matter, a delegate must be present on the floor at the time that the vote is taken. Each delegate present shall have one vote.~~

~~Section 8.~~

~~On all matters except election and endorsements, voting will be conducted by voice vote or a show of hands. If ten or more delegates object to the Chair's ruling on the outcome of a vote, a division or counted vote will be held. On any vote, the Chair may satisfy the first call for a division or counted vote with order in the room and an uncounted show of hands.~~

~~All voting for Party officers or endorsements of candidates for public office, when more than one candidate has been nominated, shall be by secret ballot. In all voting for Party officers or endorsements of candidates for public office, there shall be the voting option of "None of the Above."~~

~~The Chair may require any motion offered from the convention floor to be in writing, signed by the maker, and submitted to the Secretary.~~

A motion was made to suspend the rules to continue with the Bylaws Committee report. Failed.

Additional Credentials Report

As of 1:15 pm there were 87 credentialed delegates. Richard Newell sponsored Carl Hoffmann. Cam McConnell sponsored Timothy Ahern. Aaron Starr sponsored Debbie Umaña. Ted Brown sponsored Donna Orlando. Zander Collier sponsored Sandy Keating. Kevin Takenaga sponsored Dave Kristensen. M Carling sponsored Marc Joffe. As of 1:45 pm there were 101 delegates.

Elections

Nominations were opened for the office of Chair; nominees were:

Kevin Takenaga - 83 - elected
James Ogle - 3
NOTA - 4

Nominations were opened for the office of Northern Vice-Chair; nominees were:

Richard Newell - elected by voice vote
NOTA - 1

Nominations were opened for the office of Southern Vice-Chair; nominees were:

Zander Collier - elected by voice vote
NOTA - 0

Nominations were opened for the office of Secretary; nominees were:

Beau Cain - elected by voice vote

NOTA - 0

Nominations were opened for the office of Treasurer; nominees were:

Don Cowles - elected by voice vote

NOTA - 0

Nominations were opened for At-Large Executive Committee Members; nominees were:

Matthew Barnes - 51 - elected to one year term

Ted Brown - 70 -- elected to two year term

Bruce Dovner - 46

Brian Holtz - 53 -- elected to two year term

Camden McConnell - 61 -- elected to two year term

Mike McMahon - 52-- elected to two year term

Lawrence Samuels - 58 -- elected to two year term

Starchild - 33

Jesse Thomas - 40

NOTA

Nominations were opened for Judicial Committee Members; nominees were:

Ed Bowers - 37

M Carling - 57 -- elected

Allen Hacker - 68-- elected

Rick Nichol - 58 -- elected

Bob Weber - 70 -- elected

Dan Wiener - 58 -- elected

NOTA - 0

Nominations were opened for At-Large Executive Committee Alternates; nominees were:

Chuck Moulton - 47 -- elected

Michael Seebeck - 30

Starchild - 30

Jesse Thomas - 38 -- elected

NOTA - 1

The convention meeting was adjourned at 5:08 pm until April 22, 2007 at 1:15 pm.

The convention reconvened at 1:37 pm on April 22, 2007 with 51 delegates present.

Additional Credentials Report

As of 1:37 pm there were 99 credentialed delegates.

Platform Committee Report

The Chair of the Platform Committee, Ted Brown, presented the following proposals:

Item 1 - Passed 8-0 by the Committee

PROTECTION OF PRIVACY - Page 5, line 17 (second-to-last paragraph)

After biometric indicators, replace with:

, social security number or other data which would tend to turn driver's license data into national identification cards. Accordingly, we call for repeal of the federal Real ID Act, and for California's refusal to adopt its requirements.

It was moved to amend by changing the second to last word to "that Act's". Approved without objection.

It was moved to amend by changing “tend to turn” to “lend themselves to turning”. It was moved to amend the amendment by substituting the phrase “likely turn”. Both amendments were withdrawn.

It was moved to amend by replacing “tend to turn driver’s license data into” with “allow driver licenses to be used as”. The amendment passed. The proposal as amended passed. It reads:

, social security number or other data which would allow driver licenses to be used as national identification cards. Accordingly, we call for repeal of the federal Real ID Act, and for California’s refusal to adopt that Act’s requirements.

Item 2 – Passed 6-0 by the Committee

LABOR RELATIONS – Page 19, line 20 (second-to-last sentence)

Change to:

We favor replacement of the current workers compensation system with a voluntary system where employers and employees can negotiate a variety of health and disability benefits, or even to forego such no-fault coverage and place workplace injuries into the tort legal system.

It was moved to amend by substitution: Remove “strict” from the existing wording in the second-to-last sentence of the Labor Relations plank. The amendment failed.

The proposal passed by voice vote.

Additional Credentials Report

As of 2:29 pm there were 97 credentialed delegates.

Continuation of Platform Committee Report

Item 3 – Passed 6-0 by the Committee

IMMIGRATION – Page 6, line 6 ½

Add a new section after G:

H. oppose the construction of a fence or wall along California’s border with Mexico.

There was sufficient opposition such that a majority of registered delegates would not be obtainable. This item was passed over.

Item 4 – Passed 6-0 by the Committee

POLICE – Page 8, line 17 (second paragraph)

Change first sentence to:

We oppose police officers using unnecessary force on the disorderly or criminally accused, handing out what they may consider to be instant punishments on the streets, or incarcerating anyone who has not been convicted of a crime, except when the person poses an immediate physical threat to others.

There was sufficient opposition such that a majority of registered delegates would not be obtainable. This item was passed over.

Item 5 – Passed 4-0 by the Committee

FREEDOM OF EXPRESSION – Page 4, line 18 ½

Add a new paragraph (after the fifth paragraph):

We object to reporters being held in contempt of court for refusing to name their confidential news sources to government officials.

The Chair ruled that there was sufficient opposition such that a majority of registered delegates would not be obtainable. The Chair’s ruling was objected to and upheld. This item was passed over.

Item 6 – Passed 4-0-1 by the Committee

“RIGHT TO PROPERTY” – Page 3, lines 5 & 6 (beginning of third sentence of “Right to Property” paragraph under “Individual Rights”)

Correct grammar to:

Property is an extension of self-ownership and comprises those goods, services, ...

Passed without objection.

Item 7 – Passed 4-1 by the Committee

ELECTION REFORM – Page 12, line 13 ½ (prior to the last sentence)

Add new paragraph:

We support electoral voting systems under multi-member districts and proportional representation instead of single winner districts and plurality elections.

The proposal failed.

Item 8 – Passed 3-1 by the Committee

MILITARY – Page 9, line 34

Change first sentence to:

We oppose the deployment of the Armed Forces of the United States beyond the borders of the United States, absent a formal declaration of war by the Congress.

The Chair ruled that there was sufficient opposition such that a majority of registered delegates would not be obtainable. The Chair's ruling was objected to and sustained.

A motion to extend time to consider the remainder of the Platform Committee report and two other items from the floor failed 35 to 18.

There were no candidates seeking endorsement and no proposed resolutions.

Chair Aaron Starr signed the contract for the 2008 convention, as authorized by the Executive Committee.

It was announced that \$4,812 was raised at the Saturday night banquet. The delegates took pity on the current Chair so that he would not have accounting nightmares of raising an odd number of dollars less than \$5,000. Incoming Chair Kevin Takenaga emptied his wallet, and other delegates made additional contributions, so that the total exceeded \$5,000.

The gavel was passed to Kevin Takenaga as the convention adjourned *sine die* at 3:44 pm.

Libertarian Party of California Executive Committee Reports presented to the 2007 state convention

Aaron Starr, Chair

Rather than being a body that promulgates philosophical pronouncements, the Executive Committee focuses on getting the administrative work of the party done between conventions. Those who join this committee are sometimes surprised to find that work and financial contributions are expected of them. Some stepped up to the plate. Some did not.

When you vote for who will be on this year's Executive Committee, keep in mind those who did work and those who did not.

Here I want to acknowledge some of the work that was done this year.

- **WEEKLY OP-ED PIECES.** A couple of years ago, I articulated a long-standing vision of a weekly op-ed piece that would go to every newspaper in the state, communicating our message in a media- and voter-friendly way. Richard Newell took the ball and delivered, big time. Working with a team of libertarian authors, we now have over 100 op-ed pieces so far, with articles published in newspapers big and small, up and down the state.
- **CANDIDATE RECRUITMENT.** M Carling ran Operation Breakthrough this last year. Since I began this program in 2000 we have elected nearly 60 people to office. More candidates have been fielded for local office since I became chair than in all the years before combined. This year 7 people were elected to office that we know of.
- **CALIFORNIA FREEDOM.** After our editor resigned, Bruce Cohen took on the responsibility for the editing of California Freedom. Considering the amount of work it takes to edit and often write content for a publication such as ours, it's amazing that one person has been willing to do all this work for free.

And there is still much work to be done.

- **MEMBERSHIP TRANSITION.** We are still dealing with the transition from national's Unified Membership Plan to having separate membership and dues for the California party. We had been developing an in-house independent database to track membership, but it was too much for a volunteer effort. We're moving toward a professional commercial software package, Donor Perfect, to track donations, memberships and volunteers. I will be volunteering time over the next few months after I step down as chairman to complete this.
- **ACCOUNTING SYSTEM.** Our main computer system crashed early during the year and our accounting system became hopelessly corrupted. We are using this as an opportunity to upgrade from MYOB to QuickBooks, which will integrate with Donor Perfect. I will be volunteering time to help with this.
- **ELECTED OFFICIAL MAILING LIST.** We're working with an outside vendor to compile a list of all the elected officials in our state, with their home addresses. It's requiring Open Records Act requests and a lot of teeth pulling. I believe we will ultimately finish this and we can then use this to do outreach and possibly win over a few converts. I'm personally willing to contribute time and money to get this done.

Willard Michlin, Treasurer

- See the annual financial statement below.
- Got Wells Fargo to stop charging Service charges and reverse two prior year of charges
- Had my personal staff create an organizational chart for the State Party.
- Instituted and headed "Conflict Resolution Committee" That stopped e-mail attacks and upsets within the board members. Disagreements were taken off the board member communication lines. This smoothed out the upsets between board members. Trouble persons were identified and handled or removed from the board.
- Got the mailing and printing transferred to a California company that met deadlines.

	<u>Dec 31, 06</u>	<u>Dec 31, 05</u>	<u>\$ Change</u>	<u>% Change</u>
ASSETS				
Current Assets				
Checking/Savings				
Cash	53,469.44	79,105.67	-25,636.23	-32.41%
Total Checking/Savings	53,469.44	79,105.67	-25,636.23	-32.41%
Other Current Assets				
Accounts Receivable	0.00	42,944.26	-42,944.26	-100.0%
Pledges Not Yet Billed	30,000.00	0.00	30,000.00	100.0%
Allowance for Bad Debts	-10,000.00	-12,678.68	2,678.68	-21.13%
Investments	1.00	1.00	0.00	0.0%
Prepaid Expenses	0.00	4,300.42	-4,300.42	-100.0%
Total Other Current Assets	20,001.00	34,567.00	-14,566.00	-42.14%
Total Current Assets	73,470.44	113,672.67	-40,202.23	-35.37%
Other Assets				
Other Assets	395.00	395.00	0.00	0.0%
Total Other Assets	395.00	395.00	0.00	0.0%
TOTAL ASSETS	73,865.44	114,067.67	-40,202.23	-35.24%
LIABILITIES & NET ASSETS				
Liabilities				
Current Liabilities				
Accounts Payable				
Accounts Payable	4,451.00	15,169.68	-10,718.68	-70.66%
Total Accounts Payable	4,451.00	15,169.68	-10,718.68	-70.66%
Other Current Liabilities				
Current Liabilities	3,033.32	18,274.00	-15,240.68	-83.4%
Deferred Revenue	5,000.00	20,895.00	-15,895.00	-76.07%
Loans Payable	3,000.00	0.00	3,000.00	100.0%
Total Other Current Liabilities	11,033.32	39,169.00	-28,135.68	-71.83%
Total Current Liabilities	15,484.32	54,338.68	-38,854.36	-71.5%
Total Liabilities	15,484.32	54,338.68	-38,854.36	-71.5%
Net Assets				
Beginning Net Assets	59,728.99	97,301.60	-37,572.61	-38.62%
Increase (Decrease) in Net Assets	-1,347.87	-37,572.61	36,224.74	-96.41%
Total Net Assets	58,381.12	59,728.99	-1,347.87	-2.26%
TOTAL LIABILITIES & NET ASSETS	73,865.44	114,067.67	-40,202.23	-35.24%

	<u>Jan - Dec 06</u>	<u>Jan - Dec 05</u>	<u>\$ Change</u>	<u>% Change</u>
Contributions and Revenues				
Memberships	54,874.49	54,531.99	342.50	0.63%
Recurring Gifts	57,115.36	58,496.75	-1,381.39	-2.36%
Appeals	50.00	0.00	50.00	100.0%
Convention	3,506.45	18,332.10	-14,825.65	-80.87%
Events	0.00	3,889.00	-3,889.00	-100.0%
Other Revenue	10,084.80	10,747.31	-662.51	-6.16%
Total Contributions and Revenues	<u>125,631.10</u>	<u>145,997.15</u>	<u>-20,366.05</u>	<u>-13.95%</u>
Fundraising Costs				
Membership Recruitment	297.20	3,238.31	-2,941.11	-90.82%
Direct Mail	10,300.72	0.00	10,300.72	100.0%
Telemarketing	3,250.00	9,500.00	-6,250.00	-65.79%
Convention Costs	0.00	19,363.10	-19,363.10	-100.0%
Other Fundraising Costs	1,624.04	2,615.93	-991.89	-37.92%
Total Fundraising Costs	<u>15,471.96</u>	<u>34,717.34</u>	<u>-19,245.38</u>	<u>-55.43%</u>
Net Support Available for Programs	110,159.14	111,279.81	-1,120.67	-1.01%
Program Expense				
County Party Distributions	11,690.61	44,399.40	-32,708.79	-73.67%
Administrative	51,255.00	66,588.88	-15,333.88	-23.03%
Campaigns & Elections	29,546.61	5,151.00	24,395.61	473.61%
Media Relations	644.00	97.55	546.45	560.17%
Member Communications	18,370.79	28,894.52	-10,523.73	-36.42%
Outreach	0.00	3,500.00	-3,500.00	-100.0%
Party Development	0.00	221.07	-221.07	-100.0%
Total Program Expense	<u>111,507.01</u>	<u>148,852.42</u>	<u>-37,345.41</u>	<u>-25.09%</u>
Increase (Decrease) in Net Assets	<u><u>-1,347.87</u></u>	<u><u>-37,572.61</u></u>	<u><u>36,224.74</u></u>	<u><u>-96.41%</u></u>

Lawrence Samuels, Northern Vice-Chair

I helped in arranging several mini-conferences for local Libertarian Party members -- one in Fresno County (Jan. 28, 2006) and the other one in Butte County (July 8, 2006 in Chico). I organized and participated in the biannual JSA student conventions in Santa Clara and provided literature and buttons for the JSA conventions in Southern California. I arranged for local LP county leaders to attend former Congressman's Bob Barr's speeches in Northern California (UC Davis and UC Berkeley). I provided literature and an LP banner to the LP of San Francisco for their peace rally on March 16, 2007 -- the 4th anniversary of the War in Iraq. I worked with LP candidates during the 2006 November elections, joining the Steering Committee for Lynnette Shaw's run for Lt. Governor of California. I have been interviewed by several radio stations KRXA 540AM in San Diego and KION 1460AM in Salinas.

Daniel Wiener, Secretary

Minutes were taken for five Executive Committee meetings as well as the state convention, and published on the LPC website at http://ca.lp.org/cat_minutes.shtml. Summaries of meetings were expeditiously emailed to county officers. Available minutes of ninety-eight past Executive Committee meetings going back to 1974 were scanned in and uploaded to <http://snurl.com/excom>. Minutes of twenty-two LPC conventions back to 1980 were scanned in and uploaded to <http://snurl.com/convention>.

Information on county officers and election results was gathered, and the County Officers email list (CountyOfficers@ca.lp.org) was maintained and moderated for announcements and relevant news.

The Executive Committee was represented in a written brief submitted to the Judicial Committee in response to Paul Ireland's appeal of his membership suspension.

In addition to the normal quarterly Executive Committee meetings, a number of email ballots were conducted, with the results reported in the minutes of the regular meetings (results are listed as Yes-No-Abstain-NVR, where NVR means No Vote Received prior to close of balloting):

- "We censure Mr. Ireland for threatening violence against Brain Holtz." Passed 13-0-0-2 on March 10, 2006.
- "Moved, that the minutes of the 2006 LPC state convention; the February 26, 2006 LPC Executive Committee meeting; the Bylaws & Convention Rules as modified by the 2006 LPC state convention; and the Platform as modified by the 2006 LPC state convention; are all hereby approved." Passed 10-0-0-5 on March 17, 2006.
- "Moved that the LPC direct its members and county parties to support the signature gathering efforts of both the 'California Eminent Domain Limitations Act' (aka People's Initiative) and the 'Protect Our Homes Act' (aka Anderson Initiative) during the month of April." Passed 13-0-0-2 on April 5, 2006.
- "Moved, that the minutes of the May 6, 2006 LPC Executive Committee meeting be approved." Passed 10-0-0-5 on July 16, 2006.
- "Moved, that the following resolution be adopted:
Whereas, the Libertarian Party of California desires to legally support its non-federal candidates, while minimizing the regulatory burdens created by California law; and
Whereas, our party's Bylaws require us to establish at least one campaign fund from which funds shall be allocated to candidates of the Libertarian Party;
Therefore, be it resolved, the Libertarian Party of California shall form a committee -- the Libertarian Party of California Candidate Support Committee -- to raise money to support qualified Libertarian candidates in California and/or support campaign publicity not specifically promoting an individual candidacy;
This committee shall be composed of the members of the Libertarian Party of California Executive Committee and shall be charged with determining which non-federal candidates to support;
The committee shall file campaign finance reports with the Fair Political Practices Commission;
The Treasurer of this committee shall not be an officer of the Libertarian Party of California. The Treasurer shall serve a term contemporaneous with the term of the Treasurer of the Libertarian Party of California; and
The initial treasurer of the committee shall be Don Cowles." Passed 14.5-0-1-0 on July 20, 2006.
- "Resolved, that Marin County be recognized as an active Libertarian county organization." Passed 12-0-0-3 on July 28, 2006.
- The site of the 2007 state convention was selected via Instant Runoff Voting among five options: Berkeley Marina Doubletree Hotel; Embassy Suites San Raphael; Ensenada Cruise Ship; Granlibakken Conference Center and Lodge; San Ramon Valley Conference Center. San Ramon was chosen with 8 first-place votes on August 28, 2006.
- Another motion "to hold the convention in San Ramon" passed 10-0-1-4 on August 29, 2006.

- The following resolution was approved on September 27, 2006 by a 9-0-0-6 vote:
 “WHEREAS, the board desires that 2008 convention packages be offered for sale at the 2007 convention, be it therefore
 RESOLVED that the Secretary shall forthwith send an email to the county officers' list announcing a call for bids for the 2008 convention including therein a copy of the relevant Standing Rule, and be it further
 RESOLVED that a similar announcement be printed in the September issue of California Freedom, and be it further
 RESOLVED that selection of a bid and approval of a convention contract be made General Orders for the February 2007 board meeting.”
- “Moved, that the minutes of the August 5, 2006 Libertarian Party of California Executive Committee meeting be approved.” Passed 8-0-0-7 on September 27, 2006.
- “Moved, that the Style Committee report for the 2006-2007 Bylaws be approved.” (This was the report which contained amended wording regarding dues owed to counties.) Defeated 6-3-2-4.
- “Moved, to adopt the original 2006 Style Committee report with the amendment of Section 3 of Bylaw 11 from "fortyeight" to "forty-eight".” Approved 9-0-0-6.
- On September 21, 2006, by a 3-0-2 vote the LPC Operations Committee approved a decision by the convention contractors to hold the 2007 state convention on the weekend of April 20-22, 2007.
- A motion to approve the minutes of the November 18, 2006 Executive Committee meeting was passed by a vote of 8-0-1-5 on 11/28/2006.
- A resolution to approve the final prices provided by the convention contractor was passed by a vote of 11-0-0-4 on 12/16/2006:
 Attachment A: Convention Committee final pricing
 a. Day Access pass* (avail. Fri., Sat., and/or Sunday) . . . \$65/day, with discount \$59/day
 b. w/ breakfast, lunch, dinner, and two snacks (avail. Sat. and/or Sun.) . . . \$110/day, with discount \$99/day
 c. Overnight accommodations - includes dinner night of stay and breakfast, lunch, and two snacks the following day (avail. Fri/Sat and/or Sat/Sun) . . . \$240/night, with discount \$215
 Minimum purchase is \$99.
 Taxes are included in the prices
 All speakers (TBD) are included in the prices
 Additional charges apply for optional airport ground transportation
 Discounts are available only through Feb. 28th
 (*nomenclature subject to change when marketing the convention to attendees)
- A motion that the LPC refund by March 1, 2007 all 2006 contributions for MARA participation was passed by a vote of 9-1-0-5 on 2/11/2007.
- “Moved, that the Libertarian Party of California Chair be directed to execute the attached contract (or one which is substantially similar) for the 2008 state convention.” Passed 10-1-1-3 on 4/20/2007.

Richard Newell, Representative

Media Relations

- The Libertarian Perspective
 - The Libertarian Perspective weekly op-ed columns were delivered **every week, on time, without fail** for the entire year
 - Including the prior year, 100 op-eds have now been written and distributed to roughly 2000 reporters, editors, and publishers each week.
 - The Libertarian Perspective has been published in over 40 newspapers statewide, as well as websites and blogs around the world
 - The Libertarian Perspective provides the majority of new ca.lp.org website content, and several have been used in California Freedom and county newsletters
 - Recruited two additional writers for the team
- Press Releases and Media Advisories
 - A half-dozen press releases and media advisories were written and distributed since the last convention
- Website
 - All of the above content was posted to the LPC website

- Also performed other minor website maintenance activities such as posting a list of our partisan candidates in the last election, posting links to on-line press articles about Libertarians (and to Milton Friedman's obituary), announcing the convention, and etc.
- Prepared all accompanying thumbnail images (over 80)

Misc. Executive Committee Accomplishments

- Attended all meetings and participated in virtually every vote
- Helped select a N. California convention location – as it is our tradition to alternate between North and South – and helped ensure it was in a well-populated area – to make it convenient for the most members to attend
- Helped refund MARA payments due to poor performance of the membership committee in fulfilling the LPC's responsibilities under the agreement
- Helped direct that a (belated) membership renewal mailing be done
- Was unsuccessful at redirecting Operation Breakthrough into a more county-centric project. Provided some oversight for the project as it was finally executed
- Prepared graphics for various membership remittance forms, operation breakthrough and monthly pledge forms, membership cards, coffee cup, and etc.
- With Kevin Takenaga, held a N. California "leadership summit", without using any LPC resources. Attended two LPC "mini-conventions" organized by the N. vice-chair, Lawrence Samuels (held in Fresno and Chico)
- Visited most active N. California county chapters and met with some S. California members, as well. Visited the LPC office in S. California

M Carling, Representative

I managed Operation Breakthrough, which elected seven Libertarians to public office in California. This was about three months of full-time effort.

Bruce Cohen, Representative

Over the course of this past year, I am proud of my record of service on behalf of the Libertarian Party of California.

The main points of accomplishment lie in the following areas:

1. Communications Chair
2. California Freedom Magazine
3. LPCA e-mail outreach
4. Candidate Support
5. Coalition Building
6. Issue Advocacy and Support
7. Membership Support
8. Executive Director Support
9. Fundraising Support
10. Convention Support and Fundraising
11. Website maintenance and upgrading
12. Volunteer Recruitment
13. Legislative Support
14. Legal Support
15. Board Support

1. As Communications Chair, I am very proud of the work I have done to improve the quality, caliber and tone of our outgoing Communications. Standards have been raised and it's my hope this will lead to further improvements in the appearance and effectiveness of the Libertarian Party of California, and its outgoing Communications.

2. As Executive Editor of California Freedom Magazine, I helped create and institute a formal, written Editorial Policy and Advertising Policy. In conjunction with an excellent team, we put out many issues we all were quite proud of. We stayed with a positive approach, and a clean, colorful, readable look. I worked closely with our Graphic Designer (Really Art Director, but she's too modest to accept that designation.)

I was able to overcome the hurdles presented by the Bipartisan Campaign Act, and by Postal Regulations, when the National LP, on advice from their Legal Council, chose to not mail our magazine out with theirs.

I have built a lasting and cooperative relationship with the Publisher, enabling us to ask for and receive special treatment when needed.

When our paid Editor took a position with another company, that caused her to vacate her position, I assumed her duties, and with very little downtime, continue to put out our Magazine in a manner and style I am quite proud of.

I thank Muffet Brown, Angela Keaton, Brian Holtz, Paul Blumstein, Richard Newell, Aaron Starr, M Carling and many, many others for their unflagging support and assistance with California Freedom.

3. As the person in charge of our E-mail outreach program, I am especially proud of my success in this field. We have significantly improved the size and quality of the e-mail addresses we send to. We have put out a steady drumbeat of positive and action oriented e-mail to our electronic constituency, for a surprisingly low cost.

As of the Wednesday before the Convention, I have grown our e-mail contact list to 4327 addresses, an increase of 15% since our last Convention. (Typical e-mail lists have a 25% annual attrition rate, for comparison purposes.) Thank you to Ali Martin for her support in growing this list!

I put out 17 e-mail pieces to our list, each time to thousands, since June of 2006.

4. I have been a relentless supporter, coach, educator and cheer-leader for LPCA Candidates. I have in person, by phone and e-mail, been there for any and all Candidates to assist them with their campaign needs and questions. I have posted hundreds of e-mails on campaigns and campaigning to the LPCA Candidates discussion group. I recruited several professional Campaign Consultants to help me with this effort and got them to grant me copyright privileges for their published articles and columns so I could share them with California Libertarian Candidates.

I attended Candidate events many times, helped candidates with TV and other media outreach events, advised them on websites, literature and public relations.

I specifically helped Gubernatorial Candidate Art Olivier and his Campaign Team more than any other, but also did help Candidates throughout the state. I am especially proud of helping Mister Andy Favor and Pamela Brown.

I also helped candidates outside of California, including Michael Badnarik and other Texas Candidates, East Coast and Colorado Candidates as well.

5. I have built deep and lasting friendships with people from outside the Libertarian Party, including Republicans, Democrats and Unaffiliated people. I have worked to support and elect numerous candidates in non-partisan races, from city to county and statewide races.

I have worked hard even to build friendships with our political opponents, so we could work together when we were on the same side of issues.

I also have worked to promote and support Advocacy groups such as Americans for Safe Access, and events such as Freedom Fest.

My efforts in getting people elected have led to many successes, the most recent the 4-1 Victory in Orange County in helping Medical Marijuana Patients. This was due in large part in my efforts in endorsing and supporting three of the five sitting Orange County Supervisors.

6. I have been able to exert leverage and support in many areas, including tax reduction, eminent domain and medical marijuana.

7. I have been a steady recruiter of new Members to the Libertarian Party of California, from all over the state. As well, our e-mail and California Freedom Magazine efforts have strongly supported our Membership efforts.

8. Both David Ruprecht and Angela Keaton have been daily contacts of mine, as I strived to make them more successful and to bring them the contacts and resources they needed to grow the Libertarian Party.

9. I have been involved in all aspects of fundraising for the LPCA, including raising money for Saturday's Convention Fundraising at the dinner event. I've been a participant in phone, e-mail and direct mail efforts and have personally brought many donors to the table in this past year.

As well, I have supported Don Cowles 'Coffee Club', even getting their graphic art logo created by Mister John Brady, as a donation of time and effort.

10. I have put out a steady stream of promotional material for the Convention, including my involvement in getting the graphic art design done by Muffet Brown. Five e-mail Campaigns went out in support of the Convention. I created, wrote and coded each of these from scratch, including all editing and art direction.

I made a series of phone calls to Libertarians in California encouraging them to attend.

11. I have worked with our new Webmaster, Robert Obraczarek to improve and upgrade the website, as well as to repair some site damage.

We have worked closely to implement new ideas as well as streamline and improve even small details. I am very proud of the work Robert is doing on our behalf, and I very much hope he is part of the 2007-2008 Website team, if not the leader and IT chair (CIO).

I have spent countless hours on the phone and on e-mail addressing website improvements and other matters making the website better.

I thank Angela Keaton for her assistance in finding and recruiting Robert.

12. I love growing our Party in every possible way. To that end, I try and recruit new participants to our effort, and feel the new faces, fresh ideas and added effort has been very worth my time.

My volunteer recruitment effort has helped with Party business, Candidate efforts, fundraising and many other facets of what we are doing.

13. Through my network of political friends, I have been able to successfully lobby people from the city level up to Congressional Representatives, in person, on the phone and by e-mail.

One example, I asked Congressman John Campbell, in person, to consider supporting Medical Marijuana Patients. He did vote in favor of this issue, and I'm pleased at the results of explaining our position on this.

14. I have been able to seek legal advice and support from the legal community, from many sources. Most notable, I appreciate the help we have been given by Manuel Klausner, Esq., District Court of Appeals Judge Alex Kozinski and Superior Court Judge Jim Gray.

15. I've been available to and given support in all forms to every single LPCA Board Member who has sought my help, in many matters.

I consider each person on this leadership body a valuable teammate and have given each and every one my full support in any way I possibly could, at all times.

I have encouraged each person on this board to successfully achieve their mission and lead their respective committees. As well, I have personally offered every Member my personal assistance at any time for any matter, Libertarian and otherwise.

I have many people to thank in these efforts and don't have the time or space to express to them all here how much I do appreciate them all.

Libertarian Party of California Judicial Committee Reports presented to the 2007 state convention

Judicial Committee Majority Report on the Mark Selzer Appeal of 2005

Background

The LPC Executive Committee voted to hold the 2006 LPC convention on a cruise ship traveling from Los Angeles to Ensenada and back. Mr. Selzer appealed to the Judicial Committee asking to overturn the Executive Committee's decision.

Two members of the Judicial Committee agreed to hear the case, satisfying the Bylaw 13 Section 3 requirement: "It shall require at least two members of the Judicial committee to agree to hold a Judicial Committee hearing or consider an appeal to the Judicial Committee."

Mr. Selzer made three main arguments. His first argument was that LPC Bylaw 3 prohibits holding a convention in any geographic area without an LP affiliate. His second argument was that delegates must be free to come and go at any time and cannot be required to stay for the full convention. His third argument was that the Bylaws prohibit a floor fee (also known as a registration fee). We consider each in turn.

First, Mr. Selzer argued that a convention cannot be held outside the United States because Bylaw 3 reads in part "Any Party activities taking place outside of California must be coordinated with and approved by the state or national Libertarian Party organization having jurisdiction over the areas affected." and since no Libertarian Party organization exists there to approve it, it is not allowed.

The Judicial Committee finds this argument to be without merit. Where no Libertarian Party organization exists, no approval is required. Further, since a convention does not affect any area, no approval would be needed for a convention if a Libertarian Party organization were to exist. The word "affected" makes clear that this clause of Bylaw 3 only refers to external political activities e.g. attempting to affect the outcome of an election for public office outside California.

Per Bylaw 13 Section 3, "The Judicial Committee review of a Party action or inaction is limited to the consistency of that action or inaction with the governing documents of the Party, including these Bylaws and documents to which they refer..." It is not within the purview of the Judicial Committee to judge whether an action of the Party is wise, sensible, prudent, or worthwhile. Although it might, in the opinion of the Judicial Committee, be unwise to hold a convention in a Tibetan monastery, the Bylaws do not prohibit doing so and the Judicial Committee has no power to prohibit doing so.

Mr. Selzer argued regarding Bylaw 17: Convention, "When the above was written it was referring to a convention on land." Mr. Selzer presented no evidence to support this assertion.

Second, Mr. Selzer argues "Delegates must be granted access to the convention. It was assumed when the rules were written that access would mean being able to arrive at any relevant time in order to vote." and "This is not possible when at sea. Schedules are published ahead of time. If a delegate is interested in a committee meeting or vote on the floor he could arrive at any time before or during it and still participate. This is what is expected and provided for in these bylaws. Access is denied to delegates on a boat at sea" and "Bylaws do not stipulate that all delegates must arrive at the beginning of the convention and stay until the end or they cannot vote. To now require this without changing the bylaws is requiring delegates to meet additional requirements not stated in the bylaws."

Mr. Selzer produced no evidence to substantiate any of these assertions. While making claims about what the Bylaws do and do not say, he did not cite actual text from the Bylaws.

However, Roberts Rules of Order Newly Revised (10th ed.) p. 586 reads in part:

DUTIES OF DELEGATES

When a member of a constituent unit has accepted election as a delegate, he has the obligation to attend the convention, with such expense allowance as the unit may provide; he should not leave it to an alternate to serve in

his place except for serious reason. At the convention, the delegate has the duty to be present at the business meetings, and to be prepared on returning from the convention to present to his unit an information report of what transpired.

The Judicial Committee finds that Mr. Selzer's second argument fails to counter the express authority of the Executive Committee under Bylaw 17 Section 2 to set the time and place for a state convention.

Third, Mr. Selzer argues that a registration fee may not be required and that the cost of passage on a cruise constitutes a registration fee.

My Selzer's argument that a registration fee may not be required rests on the assertion that the Bylaws list the requirements to be a delegate and that, as a matter of parliamentary principle, lists are both inclusive and exclusive, in other words, that which is specified by any list is both necessary and sufficient. In fact, there is no such general rule of parliamentary principle. There is a similar but more specific rule ("If the bylaws authorize certain things specifically, other things of the same class are thereby prohibited." #4, RONR, p. 571) that for two reasons does not apply to the case at hand:

1. The requirements in Bylaw 17 and Convention Rule 3 are requirements, not authorizations.
2. They are of sundry classes, not of the same class.

Parliamentary rules allow for the imposition of a registration fee on delegates. Specifically, Roberts Rules of Order Newly Revised (10th ed.) p. 593 includes language describing how the Credentials Committee normally handles the process of registering delegates at a convention, which in part reads:

- 5) Registration – which normally includes these steps:
 - a) Submission, by the member intending to register, of evidence that he is entitled to do so;
 - b) Verification by the committee, or a subcommittee of it, that the member's credentials are correct;
 - c) Recording of the member as officially registered, upon his paying the registration fee (which is sometimes sent in advance) and signing the list of registrations; and
 - d) Issuing of the particular badge to which the member is entitled, the official program, and additional necessary information, such as time and place of individual section or committee meetings or workshops.

Additionally, since our Bylaws do not have any sort of enumerated powers clause, it must be presumed that powers granted to the Executive Committee by the Bylaws should be interpreted broadly. Bylaw 11 Section 1 states that "The Executive Committee shall be responsible for the control and management of all the affairs, properties and funds of the Party consistent with these Bylaws and any resolutions which may be adopted in convention." Therefore an action of the Executive Committee in managing the affairs of the Party is valid unless it is inconsistent with the Bylaws.

Accordingly, we find that the Executive Committee does have the power to set a registration fee. We would hope that any registration fee that the Executive Committee might set would be reasonable but, just as the Executive Committee has the power to set dues at \$2000 per year (which would be unwise), the Executive Committee has the power to set a registration fee at \$2000 (which would also be unwise). It is up to the members of the Libertarian Party of California to elect members of the Executive Committee who will act in a wise manner. It is not up to the Judicial Committee to substitute its judgment for that of the Executive Committee.

Mr. Selzer further asserts that the cost of passage on a cruise ship constitutes a registration fee. He presents no argument to support this assertion. Because there is no rental fee per se for the meeting room and because the cost of passage for a delegate is lower than the cost of booking passage directly with the cruise line, we hold that the cost of passage is not a registration fee. It pays for one's cabin, meals, etc. We note that members choosing not to attend the cruise convention are not forced to subsidize members choosing to attend.

In summary, we find that all of Mr. Selzer's arguments fail to reach a threshold sufficient for the Judicial Committee to overturn the action of the Executive Committee. His petition is rejected and no orders are issued.

Respectfully submitted,
Mark Hinkle
Robert Weber, Jr.
Rodney Austin

Judicial Committee Report on appeal of Paul Ireland's membership suspension

The LPC Judicial Committee submitted the following Report on the membership suspension of Paul T. Ireland. This report itself was approved by a vote of 4 Yes and 1 not voting. The report states:

On November 18, 2006, at the regularly scheduled quarterly meeting of the Libertarian Party of California (LPC) Executive Committee (ExComm), the LPC ExComm voted 11-0 to suspend the LPC membership of Paul T. Ireland, for cause.

Mr. Ireland subsequently appealed that suspension to the LPC Judicial Committee (JC).

The JC met per Bylaws 5.5 and 13.3 to hear this matter on December 5, 2006 via teleconference without the parties present but with the consent and written arguments of both parties, per Bylaw 13.9.

The JC's mandate is two-fold, under the direction given by the Convention in Bylaws 5.5, 13.3 and 5.6.2. First, the JC must determine by way of a hearing whether the ExComm acted consistent with the founding documents of the LPC. Second, the JC must subsequently rule as to whether the appellant's membership in the LPC should continue or be terminated.

The JC notes that a ruling to continue a suspended membership must construe as the Convention's intent that the membership be restored to good standing.

The JC also notes that it is empowered to rule either way on the continuation or termination of a suspended membership regardless of its determination as to whether the ExComm did or did not act consistent with the founding documents.

Finally, the JC notes that the JC is the only LPC entity with the power to terminate a membership against the will of the member, and that such an action should not be taken lightly.

While these structural facts may at some time result in the JC affirming the procedure of the ExComm in the ExComm's suspension of a membership but then ruling that the membership in question shall continue due to deficient merit in the ExComm's argument, that situation does not exist in this case.

After approximately 44 minutes' deliberation as to the question, "Did the Libertarian Party of California Executive Committee act consistent with the LPC's governing documents in the suspension of Paul T. Ireland's membership on November 18, 2006?", the JC voted 5-0 in unanimous affirmation.

The Members noted that the LPC had made its case and that Mr. Ireland had shown no defect either in the procedure followed by the ExComm in his suspension, or in the evidence that the suspension could be maintained for cause.

In a subsequent vote as to the question, "Shall the LPC membership of Paul T. Ireland, having been suspended for cause by the LPC ExComm acting in good faith and consistent with the founding documents of the LPC, be terminated?", the JC ruled by a 5-0 vote that cause does indeed exist and therefore Paul T. Ireland's LPC membership should be terminated.

Held: That the Libertarian Party of California Executive Committee acted consistent with the founding documents of the Party, and that Paul T. Ireland's membership therein is terminated.

Respectfully Submitted,
Mark Hinkle, LPC JC Chair